

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## Title 3—THE PRESIDENT

### Executive Order 10820

#### PREScribing THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF DEFENSE, SECRETARY OF THE ARMY, SECRETARY OF THE NAVY, AND SECRETARY OF THE AIR FORCE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U.S.C. 6), and as President of the United States, it is hereby ordered as follows:

#### PART I—SUCCESSION TO THE POSITION OF SECRETARY OF DEFENSE

In the event of the death, disability, or absence of the Secretary of Defense, the following-designated officers, in the Department of Defense, shall succeed to the position of, and act as, Secretary of Defense in the order indicated:

1. Deputy Secretary of Defense.
2. Secretary of the Army.
3. Secretary of the Navy.
4. Secretary of the Air Force.
5. Director of Defense Research and Engineering.

6. Assistant Secretaries of Defense and the General Counsel of the Department of Defense, in the order fixed by their length of service as such.

7. Under Secretaries of the Army, Navy, and Air Force, in the order fixed by their length of service as such.

8. Assistant Secretaries of the Army, Navy, and Air Force, in the order fixed by their length of service as such.

Precedence within a particular group between or among two or more officers having the same date of appointment shall be as determined by the Secretary of Defense at the time of appointment.

#### PART II—SUCCESSION TO THE POSITION OF SECRETARY OF THE ARMY

In the event of the death, disability, or absence of the Secretary of the Army, the following-designated officers shall succeed to the position of, and act as, Secretary of the Army in the order indicated:

1. Under Secretary of the Army.

2. Assistant Secretaries of the Army, in the order fixed by their length of service as such.

3. Chief of Staff, United States Army.

4. Vice Chief of Staff, United States Army.

5. Commanding General, Continental Army Command.

#### PART III—SUCCESSION TO THE POSITION OF SECRETARY OF THE NAVY

In the event of the death, disability, or absence of the Secretary of the Navy, the following-designated officers shall succeed to the position of, and act as, Secretary of the Navy in the order indicated:

1. Under Secretary of the Navy.
2. Assistant Secretaries of the Navy, in the order prescribed by the Secretary of the Navy, or if no order is prescribed by the Secretary, then in the order in which they have taken office as Assistant Secretaries.
3. Chief of Naval Operations.
4. Vice Chief of Naval Operations.

#### PART IV—SUCCESSION TO THE POSITION OF SECRETARY OF THE AIR FORCE

In the event of the death, disability, or absence of the Secretary of the Air Force, the following-designated officers shall succeed to the position of, and act as, Secretary of the Air Force in the order indicated:

1. Under Secretary of the Air Force.
2. Assistant Secretaries of the Air Force, in the order fixed by their length of service as such.
3. Chief of Staff, United States Air Force.
4. Vice Chief of Staff, United States Air Force.
5. The Senior Deputy Chief of Staff who is not absent or disabled.
6. Commander, Air University.

#### PART V—VARIATIONS IN THE ORDER OF SUCCESSION

Without regard to any other part of this order, except Part VI, the President, or the person acting as President under section 19 of title 3 of the United States Code, may, in the event of the death, disability, or absence of the Secretary of Defense, appoint any officer designated

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## CFR SUPPLEMENTS (As of January 1, 1959)

The following supplements are now available:

Title 19 (\$0.75)

Title 21 (\$1.00)

Title 26, Parts 20-221 (\$3.00)

Title 32, Parts 400-699 (\$1.75)

Title 49, Part 165 to end (\$1.00)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$6.25); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9, (\$4.75); Titles 10-13 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 16 (\$1.75); Title 18 (\$0.25); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Titles 28-29 (\$1.50); Title 32, Parts 700-799 (\$0.70); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Title 50 (\$0.75)

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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in Part I of this order to succeed to the position of, and act as, Secretary of Defense; and may, in the event of the death, disability, or absence of the Secre-

tary of a military department, appoint any officer designated in the part of this order which relates to the order of succession in the department concerned to succeed to the position of, and act as, the Secretary of that department.

## PART VI—TEMPORARY NATURE OF SUCCESSION

Succession to office pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory position held by the successor.

## PART VII—REVOCATION OF PRIOR EXECUTIVE ORDERS

Executive Order No. 10495 of October 14, 1953, and Executive Order No. 10669 of May 18, 1956, are hereby revoked.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 18 1959.

[F.R. Doc. 59-4298; Filed, May 18, 1959; 4:59 p.m.]

## RULES AND REGULATIONS

[Dept. Reg. 108.401]

## PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

## Designation of Differential Posts; Miscellaneous Amendments

Section 325.15 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following May 2, 1959, paragraph (b) is amended by the deletion of the following:

Nicaragua, Cuba.  
Santiago de Cuba, Cuba.

2. Effective as of the beginning of the first pay period following May 2, 1959, paragraph (c) is amended by the deletion of the following:

Camaguey, Cuba.

3. Effective as of February 13, 1959, paragraph (b) is amended by the addition of the following:

Conakry, Guinea.

4. Effective as of the beginning of the first pay period following May 2, 1959, paragraph (d) is amended by the addition of the following:

Camaguey, Cuba.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Acting Secretary of State.

W. K. SCOTT,  
Assistant Secretary.

APRIL 24, 1959.

[F.R. Doc. 59-4209; Filed, May 19, 1959; 8:45 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

## Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.402]

## PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

## Definitions

Effective as of January 3, 1959, § 325.1, paragraphs (c), (d), and (e) are deleted and the following is substituted in lieu thereof:

(c) "Foreign Areas" means all areas not included in the United States.

(d)(1) "United States" means the Continental United States and the areas enumerated in paragraph (e) of this section.

(2) "Continental United States" means the States and the District of Columbia.

(e) "Territories and possessions of the United States" means Hawaii, the Commonwealth of Puerto Rico, the possessions of the United States including Canton and Enderbury Islands in the Phoenix Group; and also the Trust Territory of the Pacific Islands and the Panama Canal Zone.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

W. K. SCOTT,  
Assistant Secretary.

MAY 8, 1959.

[F.R. Doc. 59-4210; Filed, May 19, 1959; 8:45 a.m.]

## Title 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1959 CCC Cottonseed Bulletin 2]

#### PART 443—OILSEEDS

#### Subpart—1959 Cottonseed Purchase Program Regulations

- Sec.  
 443.1538 General statement.  
 443.1539 Administration.  
 443.1540 Availability of purchases.  
 443.1541 Eligible producer.  
 443.1542 Eligible cottonseed.  
 443.1543 Purchase price.  
 443.1544 Approval forms.  
 443.1545 Determination of quantity.  
 443.1546 Liens.  
 443.1547 Setoffs.  
 443.1548 Grade reporting areas.

**AUTHORITY:** §§ 443.1538 to 443.1548 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421.

#### § 443.1538 General statement.

The purchase program provided for in this subpart is a part of the 1959 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). This subpart states the terms and conditions (a) under which cotton ginners, who file Ginner's Notices of Intention to Participate and comply with the applicable provisions of this subpart (hereinafter called "participating ginners") may sell to CCC in accordance with this subpart 1959-crop cottonseed produced in the United States which they have purchased from producers, in cases where the refusal by oil millers to pay participating ginners at least the f.o.b. gin price to ginners for their cottonseed, which CCC agrees to pay as provided in § 443.1543(b), makes purchases by CCC from participating ginners necessary, and (b) under which CCC will purchase 1959-crop cottonseed directly from producers in cases where nonparticipation by ginners under this subpart makes such purchases necessary. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC. The requirements with respect to loans to producers are contained in the 1959 CCC Cottonseed Bulletin 1 (§§ 443.1501 to 443.1520).

#### § 443.1539 Administration.

(a) Operations under the program with respect to the purchase, transportation, handling, and storage of cottonseed prior to delivery of the cottonseed to an oil miller or to a storage facility approved by the New Orleans CSS Commodity Office (such storage facility will hereinafter be referred to as "approved storage facility") will be administered through Agricultural Stabilization and Conserva-

tion (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county" committees). All contracts in connection with such operations may be executed on behalf of CCC only by authorized CCC contracting officers.

(b) Contracts for the storage and handling of cottonseed subsequent to delivery of the cottonseed to an oil miller or an approved storage facility for the sale, crushing, and processing of cottonseed, and for the transportation, storage, handling, and sale of the products derived therefrom, will be executed by CCC contracting officers in the New Orleans CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana, (hereinafter referred to as "the New Orleans office").

(c) County office managers, State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

#### § 443.1540 Availability of purchases.

(a) *Area.* The purchase program will be available in all cotton-producing areas of the United States.

(b) *Time.* Purchases will be made from the date of the issuance of this subpart through February 29, 1960.

(c) *Source.* (1) Purchases of cottonseed eligible for purchase by CCC will be made by participating ginners from producers. Purchases will also be made directly from producers by CCC through county committees in areas where ginners do not participate in the program and the appropriate State committee determines that such direct purchases are necessary in order to make the program effective. Payments to producers for cottonseed purchased by CCC and for any authorized transportation performed by the producers, in accordance with § 443.1543(a), will be made by ASC county offices by means of sight drafts drawn on CCC.

(2) Purchases of eligible cottonseed will be made by oil millers from participating ginners and others. Purchases will also be made from participating ginners by CCC through ASC county offices in areas where oil millers refuse to pay such ginners at least the f.o.b. price to ginners for their cottonseed which CCC agrees to pay as provided in § 443.1543(b), and the appropriate State committee determines that such purchases are necessary to make the program effective. Payments to participating ginners for cottonseed purchased by CCC will be made by ASC county offices by means of sight drafts drawn on CCC.

(3) Lists of participating ginners will be maintained in the State and county offices.

#### § 443.1541 Eligible producer.

(a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1959 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) A cooperative association that handles cottonseed for its producer-

members will be considered an eligible producer when selling eligible cottonseed delivered to the association and produced by eligible producers who are members of the association.

#### § 443.1542 Eligible cottonseed.

Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) Such cottonseed must have been produced in the United States in 1959 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for purchase, or by the person who delivered the cottonseed to the cooperative association or ginner tendering the cottonseed for purchase, and the beneficial interest in the cottonseed must be in such person at the time he makes such tender or delivery and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for purchase must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for purchase must have the legal right to sell the cottonseed.

#### § 443.1543 Purchase price.

(a) *Price to producers.* (1) Any direct purchases by CCC from producers will be made at gin or other designated point of delivery at the rate of \$34.00 per gross ton for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). The price per ton thus computed may be rounded to the nearest multiple of ten cents. The grade of eligible cottonseed purchased by CCC directly from producers shall be considered to be the average grade of cottonseed for the area in which the purchase is made (see § 443.1548) as determined on the basis of the latest cottonseed grade report for the area published by CSS or as determined by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall specify the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. Notwithstanding the requirements in this subparagraph, if at any time while direct purchases are being made by CCC, the State ASC administrative officer determines that the average grade for an area, as determined on the basis of the latest cottonseed grade report for the area published by CSS, is higher than the grade of cottonseed being produced in any county in such area where direct purchases are being made, the State ASC administrative officer may reduce the price paid to producers in such county below the price established on the basis of the average grade for the

area: *Provided*, That no producer shall be paid, during the period such reduced prices are effective, less than \$34.00 per gross ton basis grade (100) cottonseed with price adjustments computed upon the difference between the average grade of cottonseed produced in the county during such period and basis grade (100). The average grade of cottonseed produced in the county during such period shall be determined on the basis of official chemical analysis covering cottonseed produced in such county or on such other reasonable basis as may be determined by the appropriate State ASC administrative officer.

(2) The grade of any cottonseed purchased before the first grade determination for an area is made shall be considered to be 90.

(3) If authorized by the county office manager, the producer may deliver the seed at an oil mill, approved storage facility, or designated concentration point rather than at the gin or designated point of delivery, and the producer will be paid for the additional transportation at a rate not in excess of the commercial rate for such transportation service.

(b) *Price to ginners.* (1) (i) Any purchases by CCC from participating ginners will be at the rate of \$38.00 per net ton for basis grade (100) cottonseed, f.o.b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off-quality," as defined in the United States Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by Federally-licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by Federally-licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program less than \$34.00 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1548) exceeded or was less than basis grade (100). Such average grade shall be determined on the basis of the latest CSS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall report the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area

for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State ASC administrative officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1959 Cottonseed Price Support Program.

(ii) Notwithstanding the preceding requirements as to price, a participating ginner, after first notifying the county office manager for the county where the gin is located of his intention to do so, may reduce the price paid to producers below the price established on the basis of the average grade for the area: *Provided*, That the ginner shall not pay any producer during the period he is paying such reduced price less than \$34.00 per gross ton basis grade (100), with price adjustments computed upon the difference between the average grade of cottonseed produced at the gin during such period and basis grade (100). The average grade of cottonseed produced at the gin during such period shall be determined on the basis of official chemical analysis or oil mill grade reports covering such cottonseed or on such other reasonable basis as may be approved by the county office manager. The ginner shall furnish the county office with certified copies of such chemical analyses, grade reports, or other evidence satisfactory to the county office manager, showing the average grade of cottonseed produced at the gin during such period. If it is determined by the State ASC administrative officer and county office manager that any participating ginner paid producers less than the prices he should have paid in accordance with the preceding three sentences, such ginner shall, without prejudice to any other rights which CCC may have, be ineligible to make any further sales to CCC under the 1959 Cottonseed Price Support Program unless he first pays all of such producers the difference between the price paid to the producers and the price they should have received.

(iii) A ginner may round per ton prices for cottonseed purchased from producers to the nearest multiple of ten cents.

(2) The grade of cottonseed purchased from a producer before the first grade determination for an area is made shall be considered to be 90.

(3) If the ginner, upon authorization by the county office manager, transports cottonseed from the gin to oil miller, or approved storage facility, or designated concentration point, the ginner will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

#### § 443.1544 Approved forms.

The approved forms, together with the provisions of this subpart and any supplements and amendments thereto, shall

govern the rights and responsibilities of producers and participating ginners. Approved forms may be obtained from ASC county offices. Any fraudulent representation made by a producer or ginner in executing an approved form may render him subject to criminal prosecution under Federal law and liable for any damages resulting from the purchase of the cottonseed involved. Documents executed by an administrator, executor, or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. The approved forms consist of the following:

(a) *Producers.* Producer's Voucher (CCC Cottonseed Purchase Form 5) shall be executed by the producer when the cottonseed are purchased from the producer by CCC.

(b) *Cotton ginners.* (1) Each cotton ginner desiring to sell cottonseed to CCC pursuant to this subpart shall, prior to tender of any cottonseed for sale, file with the county office for the county in which each gin is located a Ginner's Notice of Intention to Participate (CCC Cottonseed Purchase Form 1). The filing of such notice does not obligate the ginner to sell any cottonseed to CCC, but all applicable provisions of this subpart must be complied with by the ginner if any cottonseed are offered by the ginner for sale to CCC under the 1959 Cottonseed Price Support Program. Only cottonseed purchased by a participating ginner from a producer after the filing of the Ginner's Notice of Intention to Participate shall be eligible for purchase by CCC under this subpart.

(2) After the Ginner's Notice of Intention to Participate has been filed, a Ginner's Certificate (CCC Cottonseed Purchase Form 2) shall be completed and executed by the participating ginner to cover all cottonseed purchased by him from producers, and the form shall be submitted by the ginner to the appropriate county office at such times and covering such periods of time as the State ASC administrative officer determines are necessary to make the program effective.

(3) If cottonseed are sold to CCC, the ginner shall prepare and execute a Ginner's Voucher and Certificate (CCC Cottonseed Purchase Form 4) covering the cottonseed and deliver the form to the county office. Each Ginner's Voucher and Certificate submitted by a ginner to the county office shall be supported by weight certificates or warehouse receipts covering the cottonseed purchased which have been issued by an oil miller, or an approved storage facility, or a representative of the county committee at a designated concentration point, and in the absence of warehouse receipts guaranteeing grade, by official chemical analyses certificates covering the cottonseed and identifying such cottonseed by lot numbers and/or receipt numbers and weights.

#### § 443.1545 Determination of quantity.

The quantity of cottonseed purchased from the producer by CCC shall be the

## Title 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 18]

#### PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

##### Limitation of Shipments

##### § 969.318 Avocado Order 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when the information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. This section establishes maturity requirements designed to prevent the shipment of avocados which are immature; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) After the effective time of this section, no handler shall handle any avocados of the Arue variety unless the individual fruit in each lot of such avocados weighs at least 14 ounces.

(2) After the effective time of this section, no handler shall handle any avocados of the Fuchs variety except in accordance with the following terms and conditions:

(i) No handler shall handle any such avocados prior to 12:01 a.m., e.s.t., June 22, 1959.

(ii) During the period beginning at 12:01 a.m., e.s.t., June 22, 1959, and end-

ing at 12:01 a.m., e.s.t., June 29, 1959, the individual fruit in each lot of such avocados shall weigh at least 14 ounces, or measure not less than  $3\frac{1}{16}$  inches in diameter.

(iii) During the period beginning at 12:01 a.m., e.s.t., June 29, 1959, and ending at 12:01 a.m., e.s.t., July 13, 1959, the individual fruit in each lot of such avocados shall weigh at least 12 ounces or measure not less than  $3\frac{1}{16}$  inches in diameter.

(iv) During the period beginning at 12:01 a.m., e.s.t., July 13, 1959, and ending at 12:01 a.m., e.s.t., August 3, 1959, the individual fruit in each lot of such avocados shall weigh at least 10 ounces or measure not less than  $2\frac{13}{16}$  inches in diameter.

(3) After the effective time of this section, no handler shall handle any avocados of the West Indian type other than those specified in subparagraphs (1) and (2) of this paragraph except in accordance with the following terms and conditions:

(i) No handler shall handle any such avocados prior to 12:01 a.m., e.s.t., June 15, 1959.

(ii) During the period beginning at 12:01 a.m., e.s.t., June 15, 1959, and ending at 12:01 a.m., e.s.t., June 29, 1959, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., June 29, 1959, and ending at 12:01 a.m., e.s.t., July 27, 1959, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) During the period beginning at 12:01 a.m., e.s.t., July 27, 1959, and ending at 12:01 a.m., e.s.t., September 14, 1959, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(v) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph (3) if the exterior seed-coat of the individual fruit is of a brown color characteristic of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(4) After the effective time of this section, no handler shall handle any avocados not covered by subparagraphs (1) through (3) of this paragraph except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., September 7, 1959.

(ii) During the period beginning at 12:01 a.m., e.s.t., September 7, 1959, and ending at 12:01 a.m., e.s.t., October 5, 1959, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., October 5, 1959, and ending at 12:01 a.m., e.s.t., December 21, 1959, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

gross weight actually delivered to CCC as determined by a representative of the county committee, or by an approved storage facility, or by an oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from a ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of one percent.

##### § 443.1546 Liens.

If liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

##### § 443.1547 Setoffs.

Where CCC makes direct purchases of cottonseed from producers, setoffs will be made as follows:

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Setoff Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

##### § 443.1548 Grade reporting areas.

Areas for grade reporting purposes will be established by the Director, Cotton Division, CSS, and a list of area delineation may be obtained from the applicable ASC State office or the Director of the Cotton Division, CSS, Washington 25, D.C.

Issued this 13th day of May 1959.

CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-4267; Filed, May 19, 1959; 8:52 a.m.]



(iv) Any lot of such avocados may be handled without regard to the minimum weight requirements of this subparagraph if the exterior seed-coat of the individual fruit is of a brown color characteristics of a mature avocado, or if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(5) Notwithstanding the provisions of subparagraphs (1) through (4) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in subparagraphs (1) through (4) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Avocados (§§ 51.3050 to 51.3069 of this title; 22 F.R. 6205); and the term "diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

(d) *Effective time*. The provisions of this section shall become effective at 12:01 a.m., e.s.t., May 21, 1959.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 19, 1959.

FLOYD F. HEDLUND,  
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-4309; Filed, May 19, 1959; 11:54 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter III—Federal Aviation Agency

[Amdt. 46]

#### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

##### Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be im-

practicable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

Section 610.603 *Blue civil airway 3* is amended to read in part:

From Traverse City, Mich. LFR; to Sault Ste Marie, Mich. LFR; MEA 2,400.

Section 610.6193 *VOR civil airway 193* is amended to read in part:

From Traverse City, Mich. VOR; to Sault Ste Marie, Mich. VOR; MEA \*3,500. \*2,400—MOCA.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1954(a), 1949(c))

These rules shall become effective June 4, 1959.

Issued in Washington D.C., on May 14, 1959.

E. R. QUESADA,  
Administrator.

[F.R. Doc. 59-4216; Filed, May 19, 1959; 8:46 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 7179]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### Drug Research Corp. et al.

Subpart—*Advertising falsely or misleadingly*: § 13.170 *Qualities or properties of product or service*; § 13.195 *Safety*; § 13.205 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Drug Research Corporation et al., New York, N.Y., Docket 7179, April 17, 1959]

*In the Matter of Drug Research Corporation, a Corporation; John Andre, Also Known as John Andreadis, and Timoleon T. Andre, Also Known as Timoleon T. Andreadis, Individually and as Officers of Said Corporation; Harriet Andre, Also Known as Harriet Andreadis, Individually; and Kastor, Farrell, Chesley & Clifford, Inc., a Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City distributors of a reducing preparation designated "Regimen-Tablets" and their advertising agency with representing falsely in newspaper, magazine, and other advertising and by radio and television broadcasts that the preparation was safe for use by all obese persons, that through use of the tablets they could lose weight without dieting and lose a specific number of pounds in a given period, and that significant weight loss caused by the removal of body fluids would be more than temporary.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on April 17 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Drug Research Corporation, and its officers, John T. Andreadis, also known as John T. Andre, and Timoleon T. Andreadis, also known as Timoleon T. taking or use of said preparation for a prescribed period of time; and

(d) That said preparation, by the removal of excess body fluids, causes significant weight loss of more than temporary duration.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

*It is further ordered*, That the amended complaint be, and the same hereby is, dismissed as to respondent Harriet Andreadis.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered*, That respondents Drug Research Corporation, a corporation, and its officers and John T. Andreadis, also known as John T. Andre; Timoleon T. Andreadis, also known as Timoleon T. Andre, individually and as officers of said corporation, and respondent Kastor Hilton Chesley Clifford & Atherton, Inc., and its officers,<sup>1</sup> shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 17, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-4218; Filed, May 19, 1959; 8:46 a.m.]

[Docket 7248]

#### PART 13—DIGEST OF CEASE AND DESIST ORDERS

##### Nichols & Associates, Inc., et al.

Subpart—*Advertising falsely or misleadingly*: § 13.15 *Business status, advantages, or connections*: Connections or arrangements with others; financing activities; service; § 13.185 *Refunds, repairs, and replacements*; § 13.205 *Scientific or other relevant facts*; § 13.225 *Services*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Order to cease and desist, John G. Green, Chicago, Ill., Docket 7248, Apr. 22, 1959]

<sup>1</sup> Complaint amended to show correct names of respondents.

*In the Matter of Nichols & Associates, Inc., a Corporation, and Paul J. Damon, Richard W. Scott, and John G. Green, Individually, and as Officers of Said Corporation, and O'Neil J. Nichols, Individually, and as a Director of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Chicago real estate firm and its officers with making certain misrepresentations in soliciting the listing for sale and advertising of real estate, including false representations that prospective buyers were available and interested in the specific properties listed; that the listing fee was an advance on the sales commission and would be refunded when the property was sold or within a certain time; that he financed listed properties; that buying his advertising and services would relieve the property owner of all risks and obligations; that he would advertise the property nationally and was associated with over a thousand real estate brokers.

One officer entered into an agreement for a consent order and as to him the hearing examiner made his initial decision and order to cease and desist which became on April 22 the decision of the Commission. As to the other respondents, the matter remains pending.

The order to cease and desist is as follows:

*It is ordered*, That John G. Green, individually and as an officer of Nichols & Associates, Inc., corporate respondent, and said respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale of advertising in newspapers or in other advertising media, or of other services or facilities in connection with the offering or listing for sale, selling, buying or exchanging, of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication:

1. That respondent has available prospective buyers who are interested in the purchase of specific property;
2. That property will be sold through the efforts of respondents;
3. That respondent engages in any form of financing in connection with the sale of property or businesses listed with the respondents;
4. That the purchase of his advertising and services will relieve the property owner of all or any risks and obligations in connection with the sale of property;
5. That respondent will advertise the property on a nation-wide scale in newspapers and periodicals, when such is not the case;
6. That 1,000 or any other large number of real estate brokers are associated with him in the sale of property, unless such brokers are actually engaged in selling property listed and advertised by respondent;
7. That the listing or service fee is intended only as an advance of the sell-

ing commission and will be refunded to the property owner if the property is not sold within a certain period of time;

8. That respondent's services, in all or most instances, have resulted in the sale of the advertised or listed properties.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondent John G. Green shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 22, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,  
Secretary.

[F.R. Doc. 59-4219; Filed, May 19, 1959;  
8:46 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### PART 522—EMPLOYMENT OF LEARNERS

##### Shoe Manufacturing Industry

On April 3, 1959, notice was published in the FEDERAL REGISTER (24 F.R. 2591) that the Administrator, Wage and Hour and Public Contracts Divisions, proposed to amend 29 CFR Part 522 for the purpose of providing: (1) An increase in subminimum wage rates for learners employed under special certificates in the Shoe Manufacturing Industry, to 92 cents and 98 cents, in lieu of 87 cents and 93 cents, respectively, which are presently provided; (2) deletion of the occupation "Niggerhead machine operator" from a list of occupations in which learners may not be employed, because this occupation is included in the occupation "lasting, including side lasting by hand, but excluding slip lasting" which is also on the list; (3) for application of these amendments, as of their effective date, to learners employed pursuant to such special certificates; and (4) editorial amendments to §§ 522.50 and 522.51 to include references to a new § 522.56 added by this amendment. The notice provided a period of fifteen days within which interested persons might submit data, views, or arguments pertaining to the proposed regulations.

No material objections were raised in the comments received. Upon consideration of all available relevant matter, I conclude that the amendments should be adopted as proposed.

The amendment is based on section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), providing in substance for the employment of learners at subminimum wage rates to the extent necessary to prevent curtailment of opportunities for

employment, and is promulgated in the light of economic developments, administrative experience in the operation of the regulations since the effective date of the \$1.00 an hour statutory minimum wage (Fair Labor Standards, Amendments of 1955, 69 Stat. 711), and after consultation with interested parties in the industry.

Therefore in accordance with section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), and under the authority of section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A (15 F.R. 3290) 29 CFR Part 522 is hereby amended as follows.

#### § 522.50 [Amendment]

1. Section 522.50 is amended by deleting the section designation "§ 522.55" where this appears on the fourth and last lines of this section, and inserting in lieu thereof the section designation "§ 522.56."

2. The descriptive heading and the first paragraph of § 522.51 is amended to read as follows:

#### § 522.51 Applicability of §§ 522.50 through 522.56.

For the purpose of §§ 522.50 through 522.56, the shoe manufacturing industry is defined as follows:

#### § 522.53 [Amendment]

3. Subparagraph (1), paragraph (b) of, § 522.53 is amended by deleting the occupation "Niggerhead machine operator."

#### § 522.55 [Amendment]

4. Paragraph (a) of § 522.55 is amended to read as follows:

(a) The subminimum rates which may be authorized in special certificates issued in the shoe manufacturing industry shall be not less than 92 cents per hour for the first 240 hours and not less than 98 cents per hour for the second 240 hours.

5. A new section designated § 522.56 is added to read as follows:

#### § 522.56 Amendment to certificates previously issued.

Pursuant to § 522.8, learner certificates heretofore issued in the shoe manufacturing industry shall be amended to restrict the employment of learners under such certificates to the limitations on their employment under new certificates which are expressed in § 522.55.

(Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214)

This amendment shall take effect on June 22, 1959.

Signed at Washington, D.C., this 14th day of May 1959.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 59-4245; Filed, May 19, 1959;  
8:50 a.m.]



## Title 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### SUBCHAPTER B—CLAIMS AND ACCOUNTS

#### PART 536—CLAIMS AGAINST THE UNITED STATES

##### Apprehension of Deserters

Paragraph (c) and (d) of § 536.30 are revised to read as follows:

##### § 536.30 Apprehension.

(c) *Absentees and deserters to be apprehended.* Except as indicated in paragraph (d) of this section, all absentees and deserters will be apprehended including those who absented themselves without leave or deserted during the period June 25, 1950 to July 27, 1953, inclusive.

(d) *Classes of absentees not to be apprehended or returned to military control.* The following classes of individuals will not be apprehended or returned to military control:

(1) Deserters from the Regular Army during the Spanish-American War.

(2) Deserters during World War I.

(3) Deserters during World War II (December 7, 1941 to July 24, 1947, inclusive).

(4) Peacetime deserters whose trials for desertion are barred by the statute of limitations, 10 U.S.C. 843 (Art. 43, Uniform Code of Military Justice).

(5) Peacetime deserters who have remained in a status of desertion for more than 3 years but whose trials for desertion are not barred by the statute of limitations, 10 U.S.C. 843 (Art. 43, Uniform Code of Military Justice). This subparagraph pertains to deserters who, during all or any portion of the 3 years statutory period from date of AWOL:

(i) Have been confined in a State penal institution or State hospital, or

(ii) Have been residing in a foreign country in which the United States does not have authority to apprehend, or

(iii) Have been aboard any vessel which is not under United States registry, or

(iv) Have been deprived of the protection of the statute of limitations by reason of receipt of sworn charges and specifications by the officer exercising summary court-martial jurisdiction over the command which formerly included the accused.

The periods of absence from the jurisdiction of the United States Government set forth in this subparagraph constitute impediments to the running of the statute of limitations and are excluded from the periods of limitations. Personnel falling within these categories will not be shown on the morning report of any organization as returned to military control nor will DD Form 616 be prepared by the field organization. If these individuals inquire about their status, they will be advised to submit their cases to The Adjutant General, Department of the Army, Washington 25, D.C., ATTN: AGPO-DA.

No. 98—2

[C 3, AR 630-10, May 4, 1959] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

BRUCE EASLEY,  
Major General, U.S. Army,  
Acting The Adjutant General.

[F.R. Doc. 59-4213; Filed, May 19, 1959;  
8:45 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

##### Navigation Lights for British Naval Vessels on the Great Lakes, 1959

CROSS REFERENCE: For addition of § 19.60, see Title 46, Part 154, F.R. Doc. 59-4236, *infra*.

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

#### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

##### Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Chapter 31

##### MISCELLANEOUS AMENDMENTS

1. In § 21.225, paragraph (b) is amended and paragraph (c) is added to read as follows:

§ 21.225 Training of psychiatric patients while on trial visit from Veterans Administration hospital.

(b) He is currently rated incompetent but has a legally appointed guardian, or

(c) He is currently rated incompetent and has no legally appointed guardian but his subsistence allowance for training under Chapter 31 will be withheld until he is found competent or until a guardian is appointed. In such cases arrangements will be made with the manager of the Veterans Administration hospital to release funds in the veteran's account in the personal funds of patients to be used for the veteran's subsistence while in training.

2. Section 21.281(b) is amended to read as follows:

§ 21.281 Status "rehabilitated".

(b) When a trainee discontinues his training for reasons other than fraud or severance of service connection and it is determined that he has accepted employment in an occupation which is compatible with his disability, he will be placed in status "rehabilitated" the day following the last day of instruction or the day

following the last day of leave, whichever is applicable. This action is for record purposes only and the veteran will not receive written notice of rehabilitation and shall not be paid subsistence allowance for the 2 months following determination of employability. The veteran's reentrance into training will not be jeopardized by this recording where reentrance is later found warranted.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective May 20, 1959.

[SEAL]

BRADFORD MORSE,  
Deputy Administrator.

[F.R. Doc. 59-4252; Filed, May 19, 1959;  
8:50 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1848]

[Sacramento 057645]

[1119031]

#### NEVADA AND CALIFORNIA

##### Adding Lands to Toiyabe National Forest; Partially Revoking Executive Order No. 4203 of April 14, 1925

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and the act of February 20, 1925 (43 Stat. 952), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in Nevada and California are hereby added to and reserved as a part of the Toiyabe National Forest and the boundaries of the said forest are adjusted accordingly:

##### MOUNT DIABLO MERIDIAN

##### NEVADA

T. 13 N., R. 18 E.,  
Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, Lot 7 and E $\frac{1}{2}$ NE $\frac{1}{4}$ .

##### CALIFORNIA

T. 20 N., R. 17 E.,  
Sec. 24, NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate approximately 195 acres.

2. Executive Order No. 4203 of April 14, 1925, which withdrew lands for classification, is hereby revoked so far as it affects any of the above-described lands.

ROGER ERNST,  
Assistant Secretary of the Interior.

MAY 13, 1959.

[F.R. Doc. 59-4220; Filed, May 19, 1959;  
8:46 a.m.]

[Public Land Order 1849]

**ARIZONA****Withdrawing Public Lands Within Coconino National Forest for Use of the Forest Service as an Administrative Site and a Recreation Area**

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Coconino National Forest, Arizona, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as an administrative site and a recreation area as indicated:

[Arizona 018628]

GILA AND SALT RIVER MERIDIAN  
Lake View Picnic Area

T. 20 N., R. 8 E.,

Sec. 36,  $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ ,  $N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ,  $N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ ,  $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ , and  $S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ .

The areas described contain 105 acres.

[Arizona 019858]

GILA AND SALT RIVER MERIDIAN  
Timber Administrative Site

T. 14 N., R. 11 E.,

Sec. 9,  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  and  $S\frac{1}{2}SE\frac{1}{4}$ .

The areas described contain 120 acres. This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,  
Assistant Secretary of the Interior.

MAY 13, 1959.

[F.R. Doc. 59-4221; Filed, May 19, 1959; 8:46 a.m.]

[Public Land Order 1850]

[Utah 019139]

**UTAH****Amending Public Land Order No. 1725 of September 9, 1958**

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, is ordered as follows:

Public Land Order No. 1725 of September 9, 1958, appearing in the FEDERAL REGISTER of September 9, 1958 at page 6909, which withdrew national forest lands for use of the Forest Service as administrative sites, recreation areas, and other public purposes, is hereby

amended to describe the Alpine Loop Roadside Zone and the Cascade Springs Recreation Area as being within the Uinta rather than the Wasatch National Forest.

ROGER ERNST,  
Assistant Secretary of the Interior.

MAY 14, 1959.

[F.R. Doc. 59-4222; Filed, May 19, 1959; 8:47 a.m.]

[Public Land Order 1851]

**ALASKA****Amending Public Land Order No. 1571 of December 26, 1957, Which Withdrew Public Lands for Use of Department of the Air Force for Military Purposes**

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the land descriptions for the following-named projects described in Public Land Order No. 1571 of December 26, 1957, are hereby amended to read as follows:

[Fairbanks 012716]

CAPE SABINE

Beginning at a point on the east shore of Chukchi Sea, approximate latitude  $69^{\circ}00' N.$ , longitude  $163^{\circ}53' W.$ , from which the U.S.C. & G.S. Triangulation Station Raven bears S.  $13^{\circ}31'50'' W.$ , a distance of 8,220 feet, thence

S.  $55^{\circ}10'45'' E.$ , 2,140 feet;N.  $69^{\circ}45'00'' E.$ , 3,992 feet;N.  $34^{\circ}49'15'' E.$ , 1,950 feet;N.  $55^{\circ}10'45'' W.$ , 4,440 feet to a point on the shore of the Chukchi Sea in the vicinity of Cape Beaufort;

Southwesterly, 5,240 feet along the shore of the Chukchi Sea to point of beginning.

The area described contains approximately 431 acres, instead of the 258 acres originally described.

[Fairbanks 012718]

OLIKTOK POINT

Beginning at the U.S.C. & G.S. Triangulation Station "Oliktok West Base" on the northerly coast of Alaska, thence

South, 6,000 feet;

West, 5,700 feet;

North, 3,250 feet to the mean high water line of the Beaufort Sea;

Northeasterly, along the high water line to the end of Oliktok Point;

Southeasterly, along the mean high water line to a point due north of the point of beginning;

South, 450 feet to the point of beginning.

The area described contains approximately 759 acres, instead of the 2,325 acres originally described.

[Fairbanks 012720]

WAINWRIGHT

Beginning at a point on the mean high water line of Wainwright Lagoon approximate latitude  $70^{\circ}37' N.$ , longitude  $159^{\circ}51' W.$ , from which the United States Coast and Geodetic Survey Triangulation Station "Aloak" (1947) bears N.  $32^{\circ}00'00'' E.$ , 6,650 feet, thence

N.  $69^{\circ}00'00'' E.$ , 8,900 feet;N.  $21^{\circ}00'00'' W.$ , 6,000 feet;N.  $49^{\circ}30'00'' W.$ , 16,650 feet;

Westerly, 8,700 feet to a point on the main high water line of the Beaufort Sea from which point the U.S.C. & G.S. Triangulation Station "Wainwright" bears S.  $62^{\circ}00'00'' E.$ , a distance of 500 feet; Southwesterly, along the mean high water line of the Beaufort Sea to a point from which U.S.C. & G.S. Triangulation Station "Wainwright" bears N.  $66^{\circ}00'00'' E.$ , 1,150 feet; S.  $76^{\circ}00'00'' E.$ , 6,150 feet; S.  $24^{\circ}00'00'' E.$ , 10,240 feet to the mean high water line of the Wainwright Lagoon; Southeasterly, along the mean high water line of Wainwright Lagoon to point of beginning.

The area described contains approximately 3,724 acres, instead of the 2,180 acres originally described.

[Fairbanks 012722]

ICY CAPE

Parcel 1

Beginning at a point on the south shore of Kasegaluk Lagoon, near Icy Cape, approximate latitude  $70^{\circ}18' N.$ , longitude  $161^{\circ}56' W.$ , from which point the U.S.C. & G.S. Triangulation Station "Acacia" bears N.  $23^{\circ}10' W.$ , approximately 6,530 feet, thence

S.  $49^{\circ}30'16'' E.$ , 2,280 feet;S.  $40^{\circ}29'44'' W.$ , 2,480 feet;N.  $49^{\circ}30'16'' W.$ , 2,810 feet to a point on the shore of Kasegaluk Lagoon;N.  $27^{\circ}14'44'' E.$ , 1,990 feet;S.  $78^{\circ}45'16'' E.$ , 1,120 feet to point of beginning.

The area described contains approximately 169 acres.

Parcel 2

Beginning at a point on the northerly coast of Alaska, approximate latitude  $70^{\circ}19' N.$ , longitude  $161^{\circ}54' W.$ , from which U.S.C. & G.S. Triangulation Station "Icy Cape" bears S.  $45^{\circ}27'23'' W.$ , 5,330 feet, thence

South, 1,800 feet to the mean high water line of Kasegaluk Lagoon;

Northeasterly, 1,850 feet along the mean high water line of Kasegaluk Lagoon;

North, 870 feet to the mean high water line of the Chukchi Sea;

Northwesterly, 1,250 feet along the mean high water line;

South, 670 feet to the point of beginning. The area described contains approximately 49 acres.

The areas described contain approximately 218 acres, instead of the 169 acres originally described.

[Fairbanks 012723]

POINT LAY

Parcel 1

Beginning at a point on the east shore line of Kasegaluk Lagoon opposite Point Lay, approximate latitude  $69^{\circ}43' N.$ , longitude  $163^{\circ}00' W.$ , from which point the U.S.C. & G.S. Triangulation Station "Beth" bears S.  $59^{\circ}00' W.$ , approximately 13,800 feet, thence

East, 12,300 feet;

North, 8,560 feet;

West, 13,770 feet to a point on the mean high water line of Kasegaluk Lagoon;

Southerly, 12,070 feet along the mean high water line on Kasegaluk Lagoon to point of beginning.

The area described contains approximately 2,875 acres.

Parcel 2

Beginning at a point on the mean high water line of Kasegaluk Lagoon on the northerly coast of Alaska, approximate latitude  $69^{\circ}45' N.$ , longitude  $163^{\circ}03' W.$ , from which U.S.C. & G.S. Triangulation Station "Floss" bears S.  $2^{\circ}00'00'' E.$ , 3,600 feet, thence

Northerly, 1,300 feet along the mean high water line of Kasegaluk Lagoon;  
West, 550 feet to the mean high water mark of the Chukchi Sea;  
Southerly, 1,300 feet along the mean high water line of the Chukchi Sea;  
East, 550 feet to the point of beginning.  
The area described contains approximately 17 acres.

The areas described contain approximately 2,892 acres, instead of the 2,875 acres originally described.

To the extent that the amendment made by this order increases the areas originally described, the additional lands are hereby withdrawn in accordance with the provisions of Public Land Order No. 1571. Lands released from the withdrawal made by that order will remain withdrawn in Public Land Order No. 82.

ROGER ERNST,  
*Assistant Secretary of the Interior*

MAY 14, 1959.

[F.R. Doc. 59-4223; Filed, May 19, 1959;  
8:47 a.m.]

[Public Land Order 1852]

[Arizona 019742]

### ARIZONA

#### Reserving Lands for Use of the Forest Service for Research Purposes

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Prescott National Forest, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U.S.C. 581a-581k) as amended:

#### GILA AND SALT RIVER MERIDIAN

##### PRESCOTT NATIONAL FOREST

##### White Spar Watersheds

T. 13 N., R. 3 W.,  
Sec. 23, E $\frac{1}{2}$  of lots 5 and 12;  
Sec. 24, lots 3, 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
Sec. 25, lots 1, 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ .

The areas described aggregate 1,029.69 acres.

##### Mingus Watersheds

T. 15 N., R. 2 E., unsurveyed  
Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, excepting existing mineral patents totalling 13 acres.

The areas described aggregate 647 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,  
*Assistant Secretary of the Interior*

MAY 14, 1959.

[F.R. Doc. 59-4224; Filed, May 19, 1959;  
8:47 a.m.]

[Public Land Order 1853]

[Idaho 09930]

### IDAHO

#### Withdrawing Public Lands Within Nezperce National Forest for Use of the Forest Service as a Streamside Zone and Recreation Area

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Nezperce National Forest in Idaho are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for a streamside zone and recreation area:

#### BOISE MERIDIAN

##### O'Hara Streamside Zone and Recreation Area

A strip of land 330 feet wide being 165 feet wide on each side of the center of O'Hara Creek beginning at the mouth of O'Hara Creek and extending upstream approximately 6.5 miles to the mouth of Wart Creek and located wholly within the following subdivisions:

T. 31 N., R. 7 E.,  
Sec. 1, lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 12, E $\frac{1}{2}$ ;  
Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 32 N., R. 7 E.,  
Sec. 25, lots 5, 7, 8, 9, 14, and 15;  
Sec. 36, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and W $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 31 N., R. 8 E.,  
Unsurveyed  
Sec. 18, W $\frac{1}{2}$ ;  
Sec. 19, W $\frac{1}{2}$ .

The tract described contains approximately 260 acres.

This order shall be subject to the existing withdrawal for power purposes and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,  
*Assistant Secretary of the Interior*

MAY 14, 1959.

[F.R. Doc. 59-4225; Filed, May 19, 1959;  
8:47 a.m.]

[Public Land Order 1854]

[1087109]

### NEVADA

#### Partially Revoking Departmental Order of April 21, 1923, as Amended by Departmental Order of January 27, 1936 (Colorado River Storage Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of April 21, 1923, as amended by departmental order of January 27, 1936, which withdrew lands for reclamation purposes in the first form in connection with the Colorado River Storage Project, Nevada, is hereby revoked so far as it affects the following-described lands:

#### MOUNT DIAULO MERIDIAN

T. 13, S., R. 71 E.,  
Sec. 17, Lot 1;  
Sec. 18, lots 5, 6, 7, and 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 19, lots 5, 6, 7, and 8.

The areas described contain approximately 362 acres.

2. The lands are located in northeast Clark County, near the town of Mesquite. No applications are being received under the Small Tract Act, for lands in Clark County.

3. No application for the lands may be allowed under the homestead, desert-land, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the

act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on June 19, 1959 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on September 18, 1959 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States Mining Laws at 10:00 a.m. on September 18, 1959.

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

MAY 14, 1959.

[F.R. Doc. 59-4226; Filed, May 19, 1959;  
8:47 a.m.]

[Public Land Order 1855]

[Oregon 03791, 04135, 04645]

## OREGON

### Amending Public Land Order No. 1726 of September 3, 1958

Public Land Order No. 1726 of September 3, 1958, appearing as Federal Register Document 58-7243, at pages 7002-7004 of the issue of September 10, 1958, is hereby amended to the extent necessary to describe the following lands as withdrawn under the jurisdiction of the Secretary of Agriculture, under paragraph 1(a) of that order, rather than under the jurisdiction of the Secretary of the Interior, as described in paragraph 1(b):

#### WILLAMETTE MERIDIAN

T. 35 S., R. 11 W.  
Sec. 6, Lots 8, 9, 10, 14, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 35 S., R. 12 W.  
Sec. 10, Lots 1, 16, and 17;  
Sec. 11, Lots 2, 4, 5, and 16;  
Sec. 12, Lot 3;  
Sec. 15, Lot 1.

The areas described aggregate 450.28 acres.

The lands described shall be subject only to leasing under the mineral-leasing laws and the disposal of materials under the act of July 31, 1947, as amended, as provided by paragraph 1(a) of Public Land Order No. 1726.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

MAY 14, 1959.

[F.R. Doc. 59-4227; Filed, May 19, 1959;  
8:47 a.m.]

[Public Land Order 1856]

[Montana 028089]

## MONTANA

### Partially Revoking Departmental Order of January 31, 1936; Air Navigation Site Withdrawal No. 103

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of January 31, 1936, which withdrew certain lands for use of the Civil Aeronautics Administration, Department of Commerce, as Air Navigation Site Withdrawal No. 103, is hereby revoked so far as it affects the following-described lands:

#### PRINCIPAL MERIDIAN

T. 4 N., R. 4 W.,  
Sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 40 acres. 2. The lands lie 15 miles north of Whitehall, Montana, and about two miles west of a good, improved graveled county road. The soil is a coarse, granitic sandy loam. The vegetative cover is composed of an open grass-sage-wood-land type.

3. The State of Montana has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights, conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284 as amended), presented prior to 10:00 a.m. on June 19, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on September 18, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a.m. on September 18, 1959.

6. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

MAY 14, 1959.

[F.R. Doc. 59-4228; Filed, May 19, 1959;  
8:47 a.m.]

[Public Land Order 1857]

[Montana 031824]

## MONTANA

### Revoking Departmental Order of December 18, 1939

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of December 18, 1939, which withdrew the following-

described lands for reclamation purposes in the first form in connection with the Cabinet Gorge Reservoir Site, Montana, is hereby revoked:

**MONTANA PRINCIPAL MERIDIAN**

- T. 25 N., R. 32 W.,  
 Sec. 4, lots 2, 6, 7, 8, 9, 10, 11, and 12;  
 Sec. 10, lots 1, 2, 3, 4, 5, 6, and 7;  
 Sec. 22, lots 1, 2, 5, and 6.
- T. 26 N., R. 32 W.,  
 Sec. 18, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 20, lot 2;  
 Sec. 32, lots 1 and 4.
- T. 26 N., R. 33 W.,  
 Sec. 3, lots 2, 3, 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ ;  
 Sec. 5, lots 9, 10, and 11;  
 Sec. 10, lots 3 and 4;  
 Sec. 14, lots 5 and 6;  
 Sec. 24, lot 4.
- T. 27 N., R. 33 W.,  
 Sec. 31, lots 1, 2, 3, 4, 8, 13 to 37, inclusive, and SE $\frac{1}{4}$ NW $\frac{1}{4}$  (formerly lots 1 to 9, inclusive, lot 12);  
 Sec. 32, lots 3, 4, 5, 6, 7, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  (formerly lots 1, 2, and 3).
- T. 27 N., R. 34 W.,  
 Sec. 20, lot 4;  
 Sec. 21, lot 3;  
 Sec. 25, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 28, lot 9;  
 Sec. 34, lots 1 and 3.

The areas described aggregate 1,302.26 acres.

Most of the lands are within the Kainuku National Forest and all of them are included in Power Project No. 2058, operating under license from the Federal Power Commission.

ROGER ERNST,  
*Assistant Secretary of the Interior.*

MAY 14, 1959.

[F.R. Doc. 59-4229; Filed, May 19, 1959;  
 8:48 a.m.]

## Title 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

#### SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS DURING EMERGENCY

[CGFR 59-12]

#### PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS<sup>1</sup>

##### Navigation Lights for British Naval Vessels on the Great Lakes, 1959

A request has been received through the Office of the Chief of Naval Operations, Department of the Navy, concerning visits of certain British Naval vessels to the Great Lakes during 1959. Certain vessels of the British Royal Navy, such as frigates, have only one mast on which navigation lights can be fitted. Since these vessels are visiting ports on the Great Lakes upon invitation, it has been requested that such British Naval vessels which are unable to comply with the navigation light requirements in the "Rules of the Road" for the Great Lakes be exempted.

The purpose for the following waiver order designated § 154.60, as well as 33 CFR 19.60 is to waive the requirements

<sup>1</sup> This is also codified as 33 CFR Part 19.

in the "Rules of the Road" for the Great Lakes and their connecting and tributary waters, which are administered and enforced by the Coast Guard to the extent necessary to permit the Royal yacht "H.M.Y. Britannia" and the frigate "H.M.S. Ulster," as well as certain British Naval vessels of the Fifth Frigate Squadron, to operate in the Great Lakes and their connecting and tributary waters, which are under the jurisdiction of the United States, without complying in all details with the navigation light requirements governing vessels while in Great Lakes waters.

It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, rule making procedure thereon, and effective date requirements thereof) is contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER January 26, 1951 (16 F.R. 731), the following waiver order is promulgated and shall be in effect during the periods of time specified below unless sooner terminated by proper authority:

#### § 154.60 Navigation lights for certain British naval vessels on Great Lakes, 1959.

(a) Pursuant to the provisions of section 1 of the Act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note prec. 1), I hereby waive in the interest of national defense compliance with the "Rules of the Road" for the Great Lakes and their connecting and tributary waters relating to navigation light requirements, as well as any regulation prescribed relating

thereto and published in 33 CFR Part 90, to the extent necessary to permit the operation of the Royal yacht "H.M.Y. Britannia" and the frigate "H.M.S. Ulster" in all of the Great Lakes and their connecting and tributary waters, which are under the jurisdiction of the United States, without complying in every detail with the navigation light requirements governing Great Lakes' vessels. This waiver order shall be in effect from June 15 to and including July 31, 1959.

(b) Pursuant to the provisions of Section 1 of the Act of December 27, 1950 (64 Stat. 1120; 46 U.S.C. note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of the "Rules of the Road" for the Great Lakes and their connecting and tributary waters relating to navigation light requirements, as well as any regulation prescribed relating thereto and published in 33 CFR Part 90, to the extent necessary to permit the operation of British Naval vessels of the Fifth Frigate Squadron in all of the Great Lakes and their connecting and tributary waters, which are under the jurisdiction of the United States, without complying in every detail with the navigation light requirements governing Great Lakes' vessels. This waiver order shall be in effect from August 21 to and including September 15, 1959, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1120; 46 U.S.C., note prec. 1)

Dated: May 14, 1959.

[SEAL] A. C. RICHMOND,  
*Vice Admiral, U.S. Coast Guard.*  
*Commandant.*

[F.R. Doc. 59-4236; Filed, May 19, 1959;  
 8:49 a.m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

#### Coast Guard

[46 CFR Parts 35, 78, 97, 146, 162]

[CGFR 59-17]

#### POWER-OPERATED INDUSTRIAL TRUCKS

##### Written Comments on Proposed Regulations

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2746-2748), and Merchant Marine Council Public Hearing Agenda CG-249 dated April 27, 1959, the Merchant Marine Council held a Public Hearing on April 27, 1959, for the purpose of receiving comments, views and data. The proposed regulations to govern the use of power-operated industrial trucks were set forth in detail as Item VIII of that Agenda, as well as in the previously mentioned FEDERAL REGISTER of April 9, 1959.

This document is the first of a series covering the regulations and actions con-

sidered at the April 27, 1959, Public Hearing and annual session of the Merchant Marine Council. It contains the action taken with respect to Item VIII of the Agenda.

Many requests were received before and at the Public Hearing for extension of time for the submission of comments with respect to Item VIII. Therefore, an extension of six months for the submission of written comments is granted with respect to Item VIII, the proposed regulations regarding power-operated industrial trucks.

On the basis of the comments already received and those written comments which will be received prior to October 27, 1959, the proposed regulations will be revised. These revised proposed regulations then will be included in the Merchant Marine Council Public Hearing Agenda for the next annual session scheduled for the spring of 1960.

Even though a long extension of time has been allowed for submitting written comments and the proposed regulations as revised will not come up for a Public Hearing until next year, it is urged that additional written views be submitted



and that this be done as soon as possible in order to permit the Coast Guard adequate time to thoroughly study and evaluate them.

All views and comments should be sent to the Commandant (CMC), United States Coast Guard, Washington 25, D.C. In order to insure consideration of comments and to facilitate checking and recording, it is preferred that each comment regarding a section or paragraph of the proposed regulations be submitted on Coast Guard Form CG-3287, copies of which were attached to the Agenda and may be reproduced, or copies may be obtained upon request from the Commandant (CMC). However, all comments should show the section or paragraph number, the proposed change, the reason or basis, and the name, business firm or organization (if any), and the address of the submitter.

Dated: May 13, 1959.

[SEAL] A. C. RICHMOND,  
Vice Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 59-4235; Filed, May 19, 1959;  
8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ 43 CFR Parts 9, 254, 258 ]

## ERECTION AND MAINTENANCE OF ADVERTISING DISPLAYS ON PUBLIC LAND

### Notice of Proposed Rule Making

**Basis and purpose.** Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the acts of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869: 1-3), as amended, and of September 3, 1954 (68 Stat. 1146; 43 U.S.C. 931c, 931d), and sections 453 and 2478 of the Revised Statutes (43 U.S.C. 2 and 1201), it is proposed to amend §§ 9.3, 254.5, and 258.16-258.26 as set forth below. The purpose of this amendment is to provide revised regulations governing the erection and maintenance of advertising displays on public lands.

This proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,  
Assistant Secretary of the Interior.  
MAY 14, 1959.

A new paragraph is added to § 9.3 and to § 254.5; and §§ 258.16 through 258.26 are revised in their entirety; all to read as follows:

### § 9.3 General provisions.

(e) No permit, lease, or easement for erection and maintenance of advertising displays on public lands adjacent to the National System of Interstate and Defense Highways (23 U.S.C.) will be issued under the regulations of this part, except in conformity with, and subject to, the national standards prepared and promulgated by the Secretary of Commerce. No permit, lease, or easement for erection and maintenance of advertising displays on public lands adjacent to any other highway will be issued under the regulations of this part if the proposed display would not conform with the standards or policies established by the appropriate State or local governmental entities which have authority to establish such standards or policies. Where the authorized officer finds that established standards or policies are insufficient in connection with any application under the regulations of this part adequately to promote the safety, convenience, and enjoyment of public travel, to protect the public investment in the highway or in the adjacent public lands, to preserve for the public significant scenic or other recreational values in the public lands, or otherwise to protect the public interest, he shall establish such additional standards as he may deem appropriate in the circumstances, giving due consideration to the need for directional and other official signs; the desirability of permitting, where alternative sites are not readily available, signs advertising legitimate activities being conducted at a location within a reasonable distance thereof, and the interest of the traveling public in, and its need for, specific types of information.

### § 254.5 General limitations and conditions on dispositions.

(g) No lease or patent authorizing use of lands for erection and maintenance of advertising displays on public lands adjacent to the National System of Interstate and Defense Highways (23 U.S.C.) will be issued under the regulations of this part, except in conformity with, and subject to, the national standards prepared and promulgated by the Secretary of Commerce. No lease or patent authorizing use of lands for erection and maintenance of advertising displays on public lands adjacent to any other highway will be issued under the regulations of this part if the proposed display would not conform with the standards or policies established by the appropriate State or local governmental entities which have authority to establish such standards or policies. Where the authorized officer finds that established standards or policies are insufficient in connection with any application under the regulations of this part adequately to promote the safety, convenience, and enjoyment of public travel, to protect the public investment in the highway or in the adjacent public lands, to preserve for the public significant scenic or other recreational values in the public lands, or otherwise to protect the public interest, he shall establish such

additional standards as he may deem appropriate in the circumstances, giving due consideration to the need for directional and other official signs, the desirability of permitting, where alternative sites are not readily available, signs advertising legitimate activities being conducted at a location within a reasonable distance thereof, and the interest of the traveling public in, and its need for, specific types of information.

### PERMITS FOR ADVERTISING DISPLAYS

### § 258.16 Advertising displays on public lands without permission unauthorized.

The erection or maintenance on the public lands of advertising displays, without permission, is unauthorized. Any advertising displays erected or maintained on the public lands, except under authority and pursuant to the terms and conditions of a lease, permit, or easement issued by the authorized officer under applicable regulations (see also Part 9 of this title and Part 254 of this chapter) shall be deemed to be in trespass (see Part 288 of this chapter).

### § 258.17 Definitions.

(a) The words "advertising displays," as used in the regulations of this part, mean any signs, displays, or devices erected or maintained for outdoor advertising or for outdoor public information purposes, except signs erected and maintained by Federal, State, or local highway authorities within highway rights-of-way.

(b) The word "highway" in the regulations of this part is used in its general sense to include all routes of public surface travel.

### § 258.18 Policy.

No permit for erection and maintenance of advertising displays on public lands adjacent to the National System of Interstate and Defense Highways (23 U.S.C.) will be issued under the regulations of this part, except in conformity with, and subject to, the national standards prepared and promulgated by the Secretary of Commerce. No permit for erection and maintenance of advertising displays on public lands adjacent to any other highway will be issued under the regulations of this part if the proposed display would not conform with the standards or policies established by the appropriate State or local governmental entities which have authority to establish such standards or policies. Where the authorized officer finds that established standards or policies are insufficient in connection with any application for permit under the regulations of this part adequately to promote the safety, convenience, and enjoyment of public travel, to protect the public investment in the highway or in the adjacent public lands, to preserve for the public significant scenic or other recreational values in the public lands, or otherwise to protect the public interest, he shall establish such additional standards as he may deem appropriate in the circumstances, giving due consideration to the need for directional and other official signs; the desirability of permitting,



where alternative sites are not readily available, signs advertising legitimate activities being conducted at a location within a reasonable distance thereof; and the interest of the traveling public in, and its need for, specific types of information.

**§ 258.19 Applications for permits.**

(a) Applications for special land use permits must be executed in duplicate on Form 4-972. Each application must contain a sufficient recital of the facts relative to the advertising display, including its size, and lighting effect, if any, to enable its substantial construction from the description. A sketch or photograph showing the display, and a photograph showing the location on which it is to be placed, must be furnished. The application must identify the highway along which it is proposed to erect the display and must give the distance and direction of the site, measured by highway travel, to the nearest cities or towns. If the land on which it is desired to place the display has been surveyed, its description must be given in terms of the public land surveys. If the land is unsurveyed, the description must be sufficiently complete to identify its location and boundaries. The application may be filed with the officer in charge of any local office of the Bureau of Land Management having jurisdiction over the lands.

**§ 258.20 Fees and charges.**

(a) All applications for special land use permits for erection and maintenance of advertising displays or renewal thereof, where the applicant is an individual, corporation, or association, must be accompanied by an application service fee of \$10 which will not be returnable. No charge will be made for applications by agencies of the Federal Government, or agencies of the States and political subdivisions thereof.

(b) The annual charges for advertising displays erected and maintained under permit by individuals, associations, and corporations, other than nonprofit organizations, shall be the annual fair rental value of the privilege. The annual charges for advertising displays erected and maintained under permit by State and local governments and their instrumentalities and by nonprofit organizations shall take into consideration the public purposes which the displays would serve. No annual charge will be made for advertising displays erected and maintained under permit by Federal agencies.

(c) The annual charges must be paid in advance for such periods as may be specified by the authorized officer. Where a permit is canceled before its expiration, a proportionate refund of the charges will be made.

**§ 258.21 Permits.**

Special land-use permits to erect and maintain advertising displays on the public lands will be issued on Form 4-972 by the authorized officer, in his discretion, for such period as he may deem reasonable in the circumstances. The

permits will be revocable in the discretion of the authorized officer at any time.

**§ 258.22 Renewals.**

A permit may be renewed, in the discretion of the authorized officer, upon the filing of an application for renewal prior to its expiration. Renewal, if granted, will be in the form of a new permit.

**§ 258.23 Identification of authorized advertising displays.**

Each advertising display erected or maintained under a permit issued pursuant to the regulations of this part, must, for convenient identification, have the serial number of such permit marked or painted thereon.

**§ 258.24 Special land-use permit regulations.**

All the general provisions of the special land-use permit regulations of this part not inconsistent with the special provisions relating to permits for advertising displays are applicable to such permits.

[F.R. Doc. 59-4231; Filed, May 19, 1959; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

#### [ 7 CFR Part 362 ]

### REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

#### Interpretation With Respect to Labeling of Mineral Oil-Pyrethrum and Similar Contact Household Fly Sprays; Additional Time To Submit Data, Views or Arguments

Notice is hereby given of an additional period of time within which any interested person may submit written data, views or arguments concerning the proposal to revise Interpretation 15 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 362.113 "Labeling of Mineral Oil-Pyrethrum and Similar Contact Household Fly Sprays").

Notice of the proposed revision of this Interpretation was published in the FEDERAL REGISTER April 11, 1959 (24 F.R. 2810).

Any interested person who wishes to submit written data, views or arguments concerning the proposed revision may do so by filing them with the Director, Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture on or before July 10, 1959.

Done at Washington, D.C., this 15th day of May 1959.

E. D. BURGESS,  
Director,  
Plant Pest Control Division.

[F.R. Doc. 59-4265; Filed, May 19, 1959; 8:52 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 51 ]

### CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

#### Canned Peas; Standard of Identity

Notice is hereby given that a petition has been filed by the California Packing Corporation, 215 Fremont Street, San Francisco, California, setting forth proposed amendments to the regulations fixing and establishing a standard of identity for canned peas (21 CFR 51.1).

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The petitioner has requested that the standard of identity for canned peas be amended to provide for dried green or red peppers, dried onions, and dried garlic as optional seasoning ingredients; to provide for the optional use of the word "seasoned" as a part of the label name of the food; and to provide for label declaration of "dried" or "dehydrated" optional seasoning ingredients. It is proposed:

1. That the head note of § 51.1 be amended to read: "**§ 51.1 Canned peas; identity; label statement of optional ingredients.**"

2. That § 51.1(d) be amended by changing subparagraphs (1), (3), and (4) to read:

(1) Green or red peppers, which may be dried.

\* \* \* \*

(3) Onions, which may be dried.

(4) Garlic, which may be dried.

3. That § 51.1 be amended by changing paragraph (f) (1), (5), and (8) to read as follows:

(f) (1) the label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June," "Sweet" or "Sweet Wrinkled" or "Sugar," "Dried Early" or "Dried June" or "Dried Early June," "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar." If one or more of the optional seasoning ingredients are used, the product's name may include the word "seasoned" immediately preceding

or following the name of the optional pea ingredient.

(5) If an optional seasoning ingredient is used, the label shall bear the words "seasoned with green peppers," "seasoned with red peppers," "seasoned with mint leaves," "seasoned with onions," "seasoned with garlic," or "seasoned with horseradish," or any combination of these. If the seasoning ingredient is dried, the name of the ingredient shall be preceded by the word "dried" or "dehydrated."

(8) Wherever the name "peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statement specified in this section, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene, and if one or more of the optional seasoning ingredients are used, the word "seasoned" may so intervene.

Dated: May 14, 1959.

[SEAL] JOHN L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F.R. Doc. 59-4253; Filed, May 19, 1959;  
8:50 a.m.]

## INTERSTATE COMMERCE COMMISSION

[49 CFR Part 195]

[Ex Parte MC-40]

### HOURS OF SERVICE OF DRIVERS

#### Transportation of Oil Field Equipment

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of May A.D. 1959.

It appearing, that by petition dated May 28, 1958, Oil Field Haulers Association, Inc., and Oil Field Haulers Conference of American Trucking Associations Inc., seek a modification of § 195.2(c) of the Motor Carrier Safety Regulations (49 CFR 195.2(c)) to provide that in the instance of drivers of motor vehicles used principally in the transportation of oil field equipment, including the stringing and picking up of pipe used in pipelines, any week may end with the beginning of any off-duty period of 24 or more successive hours; and

It further appearing, that by order of this date we have issued a Notice of Proposed Rule Making proposing a major revision of the Hours of Service of Drivers Regulations (49 CFR Part 195); and, upon our consideration of the record herein, and the above-described petition, good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, assigned for oral hearing at the same time and place, to be hereafter fixed, as that assigned for the above-

mentioned Notice of Proposed Rule Making herein, of this date;

And it is further ordered, That notice of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy

with the Director, Federal Register Division.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-4238; Filed, May 19, 1959;  
8:49 a.m.]

## NOTICES

### DEPARTMENT OF STATE

[Public Notice 161]

[Delegation of Authority 23-D]

#### OFFICE OF GENERAL SERVICES ET AL.

##### Delegation of Authority for Procurement Transactions

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811a), as amended, the authority vested in the Secretary of State by Delegation of Authority No. 363, dated March 10, 1959, signed by Franklin Floete, Administrator of General Services and in accordance with the authority conferred by section 307 of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended, upon the "Agency Head" as defined in section 309(a) of said Act, there is hereby delegated to the officials listed below (and to any official legally designated to act for one of those enumerated during the absence or incapacity of the latter) authority to make purchases and contracts, to sign and issue purchase orders, contracts, and certificates of award in connection therewith, and to use the procurement procedures contained in title III of Public Law 152, 81st Congress (63 Stat. 377), as amended, subject to the specific limitations indicated below. The authority hereby delegated is subject to all other applicable provisions of law and to all instructions, regulations and directives which are now in effect or which may be issued hereafter by the Department of State, or by any other Government agency of competent jurisdiction, governing purchasing and contracting functions.

##### a. Office of General Services.

Chief, Division of Supply Management;  
Chief, Procurement Branch;  
Contract Specialist, Procurement Branch;  
Procurement Officer, Procurement Branch;  
Purchase Agent, Procurement Branch.

Limitations: (1) The following limitations as to dollar amount per transaction apply to the positions indicated: Chief, Procurement Branch, \$50,000; Contract Specialist, Procurement Branch, \$20,000; Procurement Officer, Procurement Branch, \$10,000; Purchase Agent, Procurement Branch, \$1,000; (2) no authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (12) and (13) of

section 302(c); (3) authority to make determinations and decisions specified in paragraph (11) of section 302(c) is delegated only to the Chief, Division of Supply Management, and said authority is limited to contracts which will not require the expenditure of more than \$25,000; (4) authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, either within or outside the United States and its possessions, and to make the determinations and decisions specified in section 304(b) is delegated only to the Chief, Division of Supply Management; (5) authority to negotiate contracts for services in accordance with section 302(c) (5) is delegated only to the Chief, Division of Supply Management, and the Chief, Procurement Branch.

##### b. Office of Intelligence Resources and Coordination.

Chief, Library Division;  
Deputy Chief, Library Division;  
Procurement Officer, Library Division.

Limitations: (1) Transactions for the purchase of newspapers, books, maps, and periodicals; (2) the following limitation as to dollar amount per transaction applies to the position indicated: Procurement Officer, Library Division, \$100; (3) no authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c); to authorize cost, cost-plus-a-fixed-fee, or any other incentive-type contract; or to make the determinations and decisions specified in section 304(b).

##### c. Office of Foreign Buildings.

Director, Office of Foreign Buildings;  
Assistant Director for Operations, Office of Foreign Buildings.

Limitations: (1) Transactions chargeable to funds available in the appropriation "Acquisition of Buildings Abroad" (after June 30, 1959, "Acquisition, Operation and Maintenance of Buildings Abroad") or in other appropriations available for foreign buildings operations; (2) the following limitation as to dollar amount per transaction applies to the position indicated: Assistant Director for Operations, Office of Foreign Buildings, \$2,500; (3) no authority is delegated to make the determinations and decisions specified in Public Law 152, as amended, section 305(c) or paragraphs (11), (12), and (13) of section 302(c); (4) the authority to authorize a cost, cost-plus-a-fixed-fee, or any other incentive-type contract, and to

make the determinations and decisions specified in section 304(b) is delegated only to the Director, Office of Foreign Buildings, and said delegation is limited to those contracts for supplies or services which are to be delivered to points outside the United States and its possessions.

**d. Miscellaneous.**

**Imprest Fund Cashiers.**

**Limitations:** The authority delegated to Imprest Fund Cashiers employed in the Division of Supply Management is limited to purchases not involving more than \$100 per transaction; other Imprest Fund Cashiers are limited to \$50 per transaction and are, in addition, limited to the types of purchases indicated in the documents designating them as Imprest Fund Cashiers. No authority is delegated to use the procurement procedures contained in title III of Public Law 152, as amended.

This delegation of authority supercedes Delegation of Authority No. 23-C, dated July 14, 1958.

Dated: May 5, 1959.

For the Secretary of State.

W. K. SCOTT,  
Assistant Secretary  
for Administration.

[F.R. Doc. 59-4211; Filed, May 19, 1959;  
8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Public Health Service

### NATIONAL OFFICE OF VITAL STATISTICS

### Confidentiality of Identifying Information

Surveys are conducted by the National Office of Vital Statistics of the Public Health Service to obtain statistical information in regard to the relationship of personal, medical and environmental factors to illness, disability, other health conditions and to various demographic problems.

They are conducted by the United States Public Health Service as authorized by section 301(a) of the Public Health Service Act (42 U.S.C. 241). The survey program involves obtaining information from a large number of individuals, physicians, hospitals and others on the personal and environmental characteristics, and medical history of individuals under study. The furnishing of such information cannot be required, and it can be obtained fully and accurately only by the voluntary cooperation of those from whom or with respect to whom information is sought.

Therefore, in order to secure the cooperation on which the success of the surveys depends, I find it necessary and hereby give an assurance, in accordance with § 1.103(a) of the Public Health Service regulations (42 CFR 1.103(a)), to every individual about whom information is voluntarily given and to every in-

dividual or institution voluntarily providing information for the purpose of the surveys, that any such information which permits the identification of the individual will be held strictly confidential, will be used solely by persons engaged in, and only for the purposes of, the surveys and will not be disclosed or released to other persons or for any other purpose.

Administrative arrangements have been established with respect to the persons authorized to obtain information for the surveys and concerning custody and use of the records so as to secure full compliance with this assurance of confidentiality.

I direct that this document be submitted for publication in the FEDERAL REGISTER.

Dated: May 7, 1959.

[SEAL]

L. E. BURNEY,  
Surgeon General.

[F.R. Doc. 59-4196; Filed, May 19, 1959;  
8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification 166]

### NEVADA

### Small Tract Classification; Amendment

Effective May 8, 1959, Paragraph 4 of Federal Register Document 58-9443 appearing on page 8876 of the issue for November 13, 1958, is hereby amended to read as follows:

4. The individual tracts will be 2.5 acres and 5 acres in size. All tracts will be rectangular in shape. The appraised value is \$500.00 per tract. Rights-of-way 50 feet wide within tracts for road purposes and for public utilities will be reserved as shown below. Leases will be for a period of 3 years at a minimum rental of \$25.00 per year payable in advance for the entire period. All minerals in the lands will be reserved to the United States.

Description of tracts	Aeres	Advance rentals (3 years)	Rights-of-way, width, and location	Apprais-d value
N <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	\$75	50' N, E&W boundary	\$500
S <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
N <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' N, E&W boundary	500
S <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	5	75	50' S, E&W boundary	500
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&W boundary	500
NW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SW <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&W boundary	500
SE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&W boundary	500
SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
SW <sup>1</sup> / <sub>4</sub> NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&W boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
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NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
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SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
NW <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&W boundary	500
NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' S&E boundary	500
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NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
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NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
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NE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>	2.5	75	50' N&E boundary	500
SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> /				

Description of tracts	Acres	Advance rentals (3 years)	Rights-of-way, width, and location	Appraised value
SW 1/4 NE 1/4 SW 1/4 SE 1/4	2.5	\$75	50' S&W boundary	\$500
SE 1/4 NE 1/4 SW 1/4 SE 1/4	2.5	75	50' S&E boundary	500
NW 1/4 SW 1/4 SW 1/4 SE 1/4	2.5	75	50' N&W boundary	500
SW 1/4 SW 1/4 SW 1/4 SE 1/4	2.5	75	50' S&W boundary	500
NE 1/4 SW 1/4 SW 1/4 SE 1/4	2.5	75	50' N&E boundary	500
SE 1/4 SW 1/4 SW 1/4 SE 1/4	2.5	75	50' S&E boundary	500
NE 1/4 SE 1/4 SW 1/4 SE 1/4	2.5	75	50' N&E boundary	500
NW 1/4 SE 1/4 SW 1/4 SE 1/4	2.5	75	50' N&W boundary	500
SW 1/4 SE 1/4 SW 1/4 SE 1/4	2.5	75	50' S&W boundary	500
SE 1/4 SE 1/4 SW 1/4 SE 1/4	2.5	75	50' S&E boundary	500

BOYD S. HAMMOND,  
Acting State Supervisor.

MAY 8, 1959.

[F.R. Doc. 59-4230; Filed, May 19, 1959;  
8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### DOBLER LIVESTOCK SALES CO.

### Proposed Posting of Stockyard

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the Dobler Livestock Sales Co., Ashley, North Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1959.

JOHN C. PIERCE,  
Acting Director, Livestock Division,  
Agricultural Marketing Service.

[F.R. Doc. 59-4264; Filed, May 19, 1959;  
8:52 a.m.]

### Commodity Credit Corporation

### DELEGATION OF AUTHORITY OF CONTRACTING OFFICERS

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen, or in their absence, the acting chairmen of the Agricultural Stabilization and Conservation county committees in the cotton-producing States, or if so designated by such Agricultural Stabilization and Conservation county committees the

ASC county office managers, are hereby appointed contracting officers of Commodity Credit Corporation with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to an oil miller or an approved storage facility under the 1959-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Commodity Stabilization Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation county offices in the respective cotton-producing States.

Issued this 13th day of May 1959.

CLARENCE D. PALMBY,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 59-4266; Filed, May 19, 1959;  
8:52 a.m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. S-92]

### AMERICAN BANNER LINES, INC.

### Notice of Hearing

Notice is hereby given that a public hearing will be held under section 605(c) of the Merchant Marine Act, 1936, as amended, with respect to the application of American Banner Lines, Inc., to expand its present subsidized service on Trade Route No. 8, under its Operating-Differential Subsidy Agreement, Contract No. FMB-61, to provide regular calls at the port of Southampton, England on Trade Route No. 5 with no change in its present contractual sailing requirements, utilizing at present its owned subsidized combination ship, "SS Atlantic."

The purpose of the hearing under section 605(c) of the Act is to receive evidence relevant to the following: (1) Whether the proposed operation hereinabove described is one with respect to a vessel or vessels to be operated on a service, route or line, served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in

such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the Act, additional vessels should be operated thereon; (2) whether the proposed operation is one with respect to a vessel operated or to be operated on a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and if so, whether the effect of such an agreement would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into an agreement covering these operations in order to provide adequate service by vessels of United States registry.

The hearing will be before an Examiner, at a time and place to be announced, in accordance with the Federal Maritime Board's rules of practice and procedure and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in the proceeding, must file notification thereof with the Secretary, Federal Maritime Board, Washington 25, D.C., in writing in triplicate, by the close of business on June 5, 1959.

Dated: May 19, 1959.

By order of the Federal Maritime Board.

[SEAL]

JAMES L. PIMPER,  
Secretary.

[F.R. Doc. 59-4299; Filed, May 19, 1959;  
10:02 a.m.]

### Office of the Secretary

[Docket No. FC-48]

### OVERSEA TRADING CO. (H.K.) LTD.

### Appeals Board Decision

In the matter of Oversea Trading Co. (H.K.) Ltd., 806 Bank of East Asia Building, Hong Kong, Appeals Board Docket No. FC-48, BFC Case No. 249.

This is an appeal by Oversea Trading Co. (H.K.) Ltd. from an Order denying export privileges on July 10, 1958, by John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce (23 F.R. 6400, 7-16-58). The appellant has advised the Board that it did not request an oral hearing and has been informed that its appeal would be considered on the record.

The notice of appeal filed by letter dated July 28, 1958, stated in summary the appellant's grounds for the appeal. They are:

1. "There has never been any concrete and material proof to substantiate your charge against us for having violated the Export Control Act of 1949 by the alleged unauthorized transshipment of pen point materials to communist China.

2. "It has never been proved that the alleged transshipment of pen point materials to communist China were the same pen point materials shipped to us by Kastenhuber & Lehrfeld, Inc., U.S.A., during 1955.

3. "Your charge that we made false statements and concealed material facts from an official of the United States representing the Bureau of Foreign Commerce was only a unilateral statement and has not been supported by any concrete evidence."

These three grounds of appeal were amplified by the appellant in its statement of appeal dated November 15, 1958. Therein the appellant contended generally with respect to point 1, that the Compliance Commissioner had no definite proof before him establishing the transshipment from Hong Kong to communist China and that the conclusions made by him were not based on supportable facts.

We have reviewed the record with respect to this point and have examined the evidence upon which the Compliance Commissioner based his conclusions. Such evidence clearly supports the conclusions reached by the Compliance Commissioner that the appellant did in fact effect exportations of pen point materials to communist China. We note also from the correspondence exchanged between the appellant and its U.S. supplier, during the course of this transaction, the continued references to purchasers in a neighboring territory, "Cantonese friend," etc., which, when read together, clearly suggest that the appellant was engaged in supplying the materials to purchasers in communist China.

The second point of the appellant's statement argues that even if appellant exported pen point material to communist China, which is still denied, it has not been proved that such pen point material was the same pen point material shipped to it by the U.S. supplier. The Compliance Commissioner in his report traced the chronology of events involved in this series of transactions and concluded that it was fair and reasonable to infer that the pen point material the appellant did export to communist China was in fact the pen point material it received from the U.S. supplier since the appellant received no other pen point material from any other source, having canceled its prior agency for this material with another supplier. Having reviewed the record, this Board concurs with the Commissioner's conclusion. Moreover, there has never been any attempt on the part of the appellant to introduce, either at the administrative hearing or at its appeal, evidence to the contrary.

Thirdly, the appellant contends that the charge of false statements and concealment of material facts was not supported by any concrete evidence. It contends, therefore, that during the course of the investigation in Hong Kong it did not make false statements or conceal material facts from the representatives of the United States investigating the matter. This point is refuted by the report from U.S. officials in Hong Kong, referred to specifically in footnote 2 on page 2 of the Commissioner's report.

The report of these U.S. officials in Hong Kong relates to their interview with Mr. Tsong of the appellant company, wherein a letter from appellant to the

U.S. supplier, dated August 9, 1957, was discussed. In this interview the appellant's representative failed and refused to explain to the Foreign Service officer the significance of the initials CRC in paragraph 2 of the August 9, 1957, letter. This was a concealment, as was the general refusal of the appellant to allow a U.S. official to examine its files. The evidence in support of the charge of false statements is the same as that which substantiates the Commissioner's finding that the appellant did in fact, despite its denials and statements to U.S. officials, reexport U.S.-origin pen point material to Communist China.

In view of the foregoing, this appeal is hereby denied.

Washington 25, D.C., May 14, 1959.

GRISWOLD FORBES,  
Chairman, Appeals Board.

[F.R. Doc. 59-4254; Filed, May 19, 1959;  
8:51 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-5]

### WALKER TRUCKING CO.

#### Notice of Hearing on Application for an Amendment to Byproduct Mate- rial License

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR, Rules of Practice, notice is hereby given that a hearing will be held to consider the issuance of an amendment to License No. 6-3627-1 which would authorize the Walker Trucking Company (applicant) to package and store byproducts and source material waste at an additional site which is in New Britain, Connecticut, as requested in its application dated April 2, 1959, and supplemented April 23, 1959. The hearing will commence at 10 a.m. on Wednesday, June 3, 1959, and will be held in the Civil Service Room, 2nd floor of the U.S. Post Office, 140 West Main Street, New Britain, Connecticut. The application for license amendment is available for public inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issue to be considered at the hearing is whether or not the applicant's proposed site in New Britain is adequate to protect health and minimize danger to life or property.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Md., or in the AEC Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 29, 1959, or in the event of a postponement of the hearing date specified above at such time as the Presiding Officer may provide upon application of the petitioner.

Answer to this notice shall be filed by The Walker Trucking Company pursuant to § 2.736 of the rules of practice on or before May 25, 1959. In the absence of good cause shown to the contrary, the AEC staff proposes to recommend at the

hearing that the AEC issue Amendment No. 1 to License No. 6-3627-1 substantially in the form annexed as Annex "A". There is also set forth below in the form annexed as Annex "B" a memorandum submitted by the Division of Licensing and Regulation which summarizes the principle factors considered in reviewing the application for the license amendment.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file five copies of each such paper with the AEC and where service of papers is required on other parties shall serve three copies of each.

The Commission designated Samuel W. Jensch, Esq., as the Presiding Officer to conduct the hearing and to render a decision pursuant to § 2.751(a) of the Commission's rules of practice.

Dated at Germantown, Md., this 15th day of May 1959.

For the Atomic Energy Commission.

R. L. KIRK,  
Deputy Director,  
Division of Licensing & Regulation.

#### ANNEX A

[License No. 6-3627-1 (C61), Amdt. 1]

In accordance with application dated April 2, 1959, and supplemented April 23, 1959, License No. 6-3627-1 is amended to change Condition 8 to read as follows:

8. The licensee shall package and store byproduct and source material for sea disposal at the facility located on Brownstone Avenue, Portland, Connecticut, and the facility located at 1283-1285 East Street, New Britain, Connecticut.

This amendment shall be effective on the date issued.

Date of issuance:

For the Atomic Energy Commission.

#### ANNEX B

#### MEMORANDUM BY THE DIVISION OF LICENSING AND REGULATION

By application dated April 2, 1959, and supplemented April 23, 1959, The Walker Trucking Company, 1283-85 East Street, New Britain, Connecticut, requested an amendment to their byproduct and source material license, No. 6-3627-1; which would authorize the use of an additional site for the packaging and temporary storage of waste material prior to sea disposal.

Based upon considerations set forth below, it appears that the type of operations The Walker Trucking Company is licensed to conduct can be performed at the proposed site in compliance with the provisions of the AEC regulations contained in 10 CFR Parts 20, 30 and 40, and the conditions of their license, and can be carried out at the proposed site in such a manner so as to protect health and minimize danger to life and property.

The proposed site is located on property owned by The Walker Trucking Company at 1283-85 East Street in the Town of New Britain, Connecticut. The overall site is about 10 acres in size. The general area surrounding the site is chiefly industrial and farming. The nearest residence is that of the president



of the applicant company and is located on this 10-acre site at a distance of about 400 feet from the building to be involved in the operations. The waste packaging and storage will be carried out within a building having dimensions of 160 x 60 feet which has a steel frame, galvanized steel sides and roof, and a painted concrete floor. This building is a warehouse for the storage of trucking equipment. The west end of the building, about 2,400 square feet, will be completely walled off from the rest of the warehouse, and only waste packaging and storage will be carried out in this area. The entrances to the facility will be locked when not in use to prevent unauthorized entry. The operations will be conducted in such a manner that radiation levels at the exterior walls of the waste packaging and storage area are within the limits set forth in 10 CFR Part 20 for unrestricted areas. In addition, the applicant's operating procedures require that periodic surveys of the radiation levels in the unrestricted areas around the waste-packaging and storage area be made to assure compliance with the regulations.

In connection with the proposed site, it should be noted that the licensee is authorized to possess not more than 50 curies of byproduct material and to receive not more than 700 pounds of source material during the term of the license. The containers of waste received from customers shall not be opened by the licensee and shall meet the design and construction specifications of the Interstate Commerce Commission. All transportation to and from the proposed site shall be conducted in accordance with Interstate Commerce Commission regulations or a license condition which establishes similar requirements for intrastate carriage.

The probability of fire in connection with the operations licensed is very low. This is based on a consideration of the proposed site as well as the type of containers and packaging involved and the nature of the radioactive waste the licensee is expected to receive. The building in which the waste will be processed and stored will be of all metal construction. The containers of waste received from customers are normally packaged for sea disposal by encasement in concrete within a 55-gallon steel drum and therefore appear resistant to fire or breakage. The anticipated type of waste to be received from customers in closed containers would consist primarily of wood, paper and glass contaminated with low-level radioactive material and has a low fire potential.

The applicant will establish at this site the same radiation safety program as that provided for at the Portland, Connecticut, site including similar handling and radiation safety equipment, radiation safety procedures, and trained personnel.

Other than the proposed addition of this site in New Britain, there are no changes in the operations of The Walker Trucking Company previously licensed.

[F.R. Doc. 59-4288; Filed, May 19, 1959; 8:52 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12837 etc.; FCC 59M-629]

**BIRNEY IMES, JR., ET AL.**

### Order Scheduling Prehearing Conference

In re applications of Birney Imes, Jr., West Memphis, Arkansas, Docket No. 12837, File No. BP-11465; Nathan Bolton and A. R. McCleary, d/b as Morehouse Broadcasting Company (KTRY), Bas-

throp, Louisiana, Docket No. 12838, File No. BP-11924; Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. BP-12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. BP-12405; for construction permits.

It is ordered, This 14th day of May 1959, that a prehearing conference in accordance with § 1.111 of the rules, will be held in the above-entitled matter at 10:00 a.m. on Wednesday, May 27, 1959, in the offices of the Commission, Washington, D.C.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4255; Filed, May 19, 1959; 8:51 a.m.]

[Docket Nos. 10286, 10287; FCC 59M-626]

### ENTERPRISE CO. AND BEAUMONT BROADCASTING CORP.

#### Order Scheduling Hearing

In re applications of The Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT-743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT-762; for construction permits for new television stations (Channel 6).

The Hearing Examiner having under consideration matters considered at the prehearing conference held herein on May 13, 1959;

It is ordered, This 14th day of May 1959, that the hearing herein is scheduled for June 4, 1959, at 10:00 a.m.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4256; Filed, May 19, 1959; 8:51 a.m.]

[Docket Nos. 12871, 12872; FCC 59-448]

### JACK W. HAWKINS AND UTAH BROADCASTING AND TELEVISION CO. INC. (KVEL)

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jack W. Hawkins, Blanding, Utah, Docket No. 12871, File No. BP-11920; (Req: 790 kc, 1 kw, Day); Utah Broadcasting and Television Co., Inc. (KVEL), Vernal, Utah, Docket No. 12872, File No. BP-12000; (Has: 1250 kc, 1 kw, Day) (Req: 790 kc, 1 kw, Day); for standard broadcast construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of May 1959;

The Commission having under consideration the above captioned and described applications for standard broadcast construction permits; and

It appearing, that, except as indicated by the issues specified below, the applicants are legally, financially, technically and otherwise qualified to operate their instant proposals, but that the proposals would involve mutual interference; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicants were notified by letter dated February 24, 1959, of the aforementioned deficiency, and that the Commission was unable to conclude at that time, that a grant of either application would be in the public interest; and

It further appearing, that both applicants filed timely replies and requested an extension of time in which to complete negotiations looking toward resolution of the conflict between the two proposals and stated that if the negotiations were not then completed, they would appear at a hearing on their instant proposals, that the time in which to reply was extended to April 15, 1959, and that no further reply has been filed; and

It further appearing, that mutual interference between the proposals herein may affect more than 10 percent of the population in the normally protected primary service area of each proposal in contravention of § 3.28(c) of the Commission rules; and

It further appearing, that the commission, after consideration of the foregoing, is of the opinion that a hearing on the instant applications is necessary;

It is ordered, That pursuant to section 309(b) of the Communications Act, as amended, the applications are designated for consolidated hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Jack W. Hawkins and the availability of other primary service to such areas and populations.
2. To determine the areas and populations which would be expected to gain or lose primary service from the proposed operation of Station KVEL and the availability of other primary service to such areas and populations.
3. To determine whether interference received by each instant proposal from the other herein would affect more than 10 percent of the population in the normally protected primary service area in contravention of § 3.28(c) of the Commission rules; and, if so, whether circumstances exist which would warrant a waiver of said section.
4. To determine in light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.
5. To determine in light of the evidence adduced, pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be



heard the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That the issues in the above entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4257; Filed, May 19, 1959;  
8:51 a.m.]

[Docket No. 12873; FCC 59-449]

# **BENJAMIN C. BROWN**

## **Application for Standard Broadcast Construction Permit**

In re application of Benjamin C. Brown, Oceanside, California, Docket No. 12873, File No. BP-12088; (Req: 1260 kc, 1 kw, DA-D); for standard broadcast construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of May 1959;

The Commission having under consideration the above-captioned and described application; and

It appearing, that except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to construct and operate the proposed station, but that the operation as proposed would cause objectionable interference to stations KFOX, Long Beach, California; and KGIL, San Fernando, California (construction permit for 5 kw); and would receive from said stations interference which would affect more than 10 percent of the population of the normally protected primary service area of the instant proposal in contravention of § 3.28(c) of the Commission rules; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant and licensees of KFOX and KGIL were notified by letter dated March 18, 1959, of the aforementioned deficiency, and that the Commission was unable to conclude at this time, that a grant of the instant application would be in the public interest; and

It further appearing, that, in the Commission's said letter it was pointed out

that the applicant had submitted insufficient information from which to determine that it was financially qualified; but that, in a timely reply, the applicant showed \$14,850 cash, a loan of \$68,869, and equipment manufacturer's credit of \$22,044; and that we have determined from the showing that the applicant has sufficient funds to meet the \$31,760 necessary for the construction and early operation of the proposed station; and that the applicant is, therefore, financially qualified; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant application is necessary;

*It is ordered*, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to stations KFOX, Long Beach, California; and KGIL, San Fernando, California, or any other existing standard broadcast station, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from stations KFOX and KGIL would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal in contravention of the provisions of § 3.28(c) of the Commission rules; and if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine in light of evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That Pierce Brooks Broadcasting Corp. and KFOX, Inc., licensees of stations KGIL and KFOX, respectively, are made parties to the hearing.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the applicant and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues in this order.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4258; Filed, May 19, 1959;  
8:51 a.m.]

[Docket No. 12874; FCC 59-450]

# **RADIO AMERICAS CORP. (WORA)**

## **Order Designating Application for Hearing on Stated Issues**

In re application of Radio Americas Corporation (WORA), Mayaguez, Puerto Rico, Docket No. 12874, File No. BP-11925; (Has: 1150 kc, 1 kw, U) (Req: 760 kc, 5 kw, DA-1, U); for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of May 1959;

The Commission having under consideration the above-captioned and described application; and

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate its station as proposed, but that the proposal would cause objectionable interference to Station WIAC, Santurce, Puerto Rico; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applicant and the licensee of WIAC were advised by letter dated February 25, 1959, of the aforementioned deficiency and that the Commission was unable to conclude at this time that a grant of the instant application would be in the public interest; and

It further appearing, that the applicant and the licensee of Station WIAC filed timely replies in which they stated that they would appear at a hearing on the instant application; and

It further appearing, that after consideration of the foregoing, the Commission is of the opinion that a hearing on the instant application is necessary;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would be expected to gain or lose primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station WIAC, Santurce, Puerto Rico, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

*It is further ordered*, That Radio Station WIBS, Inc., licensee of Station WIAC is made a party to the hearing; and

*It is further ordered*, That, to avail themselves of the opportunity to be

heard, the applicant and party respondent herein, pursuant to the provisions of § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4259; Filed, May 19, 1959;  
8:51 a.m.]

[Docket Nos. 12676-12679; FCC 59-439]

#### FOUR STATES BROADCASTING CO. ET AL.

#### Memorandum Opinion and Order Amending Issues

In re applications of John L. Miller, tr/as The Four States Broadcasting Company, Halfway, Maryland, Docket No. 12676, File No. BP-11227; Dover Broadcasting Company (WDOV), Dover, Delaware, Docket No. 12677, File No. BP-11327; Regional Broadcasting Company, Halfway, Maryland, Docket No. 12678, File No. BP-11646; George Fishman, Brunswick, Maryland, Docket No. 12679, File No. BP-12034; for construction permits.

1. The Commission has for consideration in the above-entitled proceeding a petition to enlarge issues filed by Regional Broadcasting Company on December 15, 1958, together with pleadings filed in response thereto.

2. By Order of November 19, 1958, the Commission designated this proceeding for hearing. On December 15, 1958, Regional filed the subject petition to enlarge the issues to include the following issues:

(1) Whether John L. Miller has misrepresented any facts to the Commission.

(2) Whether John L. Miller has failed to furnish the Commission with information called for by the application form.

(3) Whether John L. Miller has any business relationships with Dan Weinberg and, if so, their nature and extent.

(4) Whether the business relationships of John L. Miller with Dan Weinberg, if any, are such that will result in a violation of Rule 3.636 by reason of overlap of the contours of the proposed stations for Halfway and Middletown, Maryland, respectively.

(5) Whether John L. Miller has the necessary financial resources to construct and operate the station as proposed.

(6) Whether the program proposal of George Fishman involved time and care so as to accurately reflect the applicant's responsible judgment of this proposed program policy.

(7) Whether the proposed program schedule of George Fishman will meet the needs of Brunswick, Maryland.

(8) Whether the transmitter site specified by George Fishman is available to him.

(9) Whether George Fishman has made any arrangements to lease the transmitter site specified by him in his application.

Whether Miller's original and first amended application misrepresented facts relative to the availability of transmitter site (Requested Issue No. 1):

3. The record indicates that Miller's original application, filed on April 5, 1957, and the first amendment thereto, filed on April 23, 1958,<sup>1</sup> specified a transmitter site situated on property belonging to Mr. Roy L. Beckley; that the original application specified \$2,000 as the cost of acquiring the said site; and that the amended application raised the cost of the land to \$8,000, stating "land costs based on quotation". Regional asserts the Miller's statements with respect to the Beckley property are misrepresentation because Miller never negotiated or attempted to negotiate any agreement with Mr. Beckley for the purchase of the land. In support of this assertion, Regional alleges that in "conferences" held with Mr. and Mrs. Beckley<sup>2</sup> they stated that they did not know, or know of, Mr. Miller, and that no one had inquired of them with regard to buying or leasing the land in question for a transmitter site. Attached as an exhibit to Regional's petition is a copy of an unsworn letter signed "Mrs. Roy L. Beckley" stating that the land in question is not now, nor has it been in the past, for sale. The letter does not deal with Mrs. Beckley's acquaintance or lack thereof with Mr. Miller, nor does it concern itself with whether he or anyone else has ever offered to buy or lease the land in question for a transmitter site.

4. Mr. Miller's opposition states, by affidavit, that he originally discussed acquisition of part of the Beckley property with Mrs. Beckley, but did not reveal that he wanted the land for a transmitter site, and that, although he and Mrs. Beckley agreed that \$2,000 would be a fair price for that portion of the land in which he was interested, no firm agreement was reached. It was on the basis of this conversation that he specified the Beckley property as a transmitter site in his original application. In the course of later discussions with the Beckleys, the asking price for the land was raised, and, in view thereof, he increased the estimated cost of the transmitter to \$8,000 in his amendment of April 23, 1958. Later, as the asking price rose still higher, he concluded the cost was too

<sup>1</sup>Subsequently, on August 19, 1958, Miller amended his application to specify a new transmitter site.

<sup>2</sup>The petition does not specify who conferred with the Beckleys. In its reply to the opposition, Regional submits an affidavit of Richard T. Williams wherein he states that he was present on March 1, 1958, when Richard Hildreth asked Mrs. Beckley whether she knew Mr. Miller or had discussed the sale of the property with him, and Mrs. Beckley replied in the negative. The Regional pleadings do not identify Mr. Williams; Mr. Hildreth appears as counsel for Regional in this proceeding.

high for his purposes, and, on August 19, 1958, he again amended his application and specified a different transmitter site.

5. Miller's affidavit indicates that, under the circumstances of the proceeding, he reasonably believed the land would be available to him at the price specified in his application. Regional's pleading is not sufficient to indicate misrepresentation by Miller in this regard. As the Commission's Broadcast Bureau points out, the only people having actual knowledge of any dealings Miller had with the Beckleys are the Beckleys themselves, and Regional has not offered any statement from them bearing on the essential question of whether Miller reasonably believed he could acquire this land. Regional has alleged, and supported this allegation by the affidavit of the unidentified Mr. Williams, that the Beckleys were unacquainted with and had not negotiated with Miller. However, the very fact that Regional obtained a statement from the Beckleys and that this statement did not contain the truly essential facts alleged to have been stated by the Beckleys in the course of "discussions" deprives the allegations of what persuasiveness they might otherwise have had. Accordingly, the request to add an issue as to whether Miller misrepresented the availability of his transmitter site must be denied.

Whether Miller furnished the Commission with all the information called for by the application form; whether Miller filed a "strike" application; and whether Miller's application raises any question as to a violation of § 3.35 of the rules (Requested Issues 2, 3, and 4):

6. Regional has alleged that Miller failed to disclose in his application a business relationship with one Dan Weinberg contrary to the requirements of section II, page 4, Table II of the Commission's Form 301 (Application Form); that the relationship between Miller and Weinberg is so intimate that, coupled with the circumstances surrounding the filing of Miller's application and an application filed by Weinberg for a standard broadcast station at Braddock Heights, Maryland, it must be assumed that the real purpose of Miller's application was to block the grant of the application of Musical Heights, Inc., for a station at Braddock Heights, Maryland, which would be in competition with Weinberg's proposed station; and that, in any event, the degree of affinity between Miller and Weinberg is such that a grant of both applications would create an overlap of service areas of stations under common control contrary to the provisions of § 3.636 of the rules.<sup>3</sup>

<sup>3</sup>Petitioner obviously has reference to § 3.35 of the rules, in that § 3.636 applies to overlap of television facilities. Section 3.35, in part, provides:

3.35 *Multiple ownership.* No license for a standard broadcast station shall be granted to any party (including all parties under common control) if:

(a) Such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except

7. Regional asserts that both Miller and Weinberg are theater owners in the area of Frederick and Hagerstown, Maryland; that these theaters are owned and operated by an organization known as "Miller-Weinberg Theaters"; and this business relationship was not revealed in Miller's application, although such information is required by the application form.<sup>4</sup> Attached to the Regional petition is an exhibit consisting of a copy of a letter of February 10, 1956, addressed to Allied Artists Corporation and signed by Mr. Miller and Mr. Weinberg, wherein is stated that their theaters "are now under the joint ownership-management operation of the Miller-Weinberg Theaters".

8. In reply to these allegations, Miller's affidavit states that "Miller-Weinberg Theaters" is a Maryland corporation established by him and Mr. Weinberg in February 1956, "because of a certain competitive situation then existing among theaters in Hagerstown", and that, although a few letters of the type referred to in the Regional petition were sent to film distributors, the corporation has never conducted any business and exists in name only. Accordingly, Miller argues that the relationship was not of the type required to be disclosed by the application form.

9. From the foregoing, it is unclear whether Miller-Weinberg Theaters was merely an abortive business venture, or was a corporation established to fulfill a single specific purpose. The latter is somewhat suggested by the fact that the corporate charter has not been surrendered or allowed to expire. In any event, it is impossible in the present state of the

upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

(b) Such party, or any stockholder, officer or director of such party directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of station involved and the extent of other competitive service to the areas in question. \* \* \*

<sup>4</sup> Section II, page 4, Table II of Commission Form 301 (Application Form) gives as instructions: "The purpose of Table II is to obtain information concerning the occupation, business and financial interests at the present time and during the past 5 years of the applicant. State the principal occupation and business in which (the) party named is engaged at the present time or has been engaged at any time during the past 5 years, and, in addition, state any other business or financial enterprise in which such party has now or within the past 5 years has had either a 25 percent or greater interest or any official relationship. In case the party has been associated in business with any other person or persons, state the name of each other person."

In reply to this question, Mr. Miller stated only that he was sole proprietor of Henry's Theater in Hagerstown.

record to determine that Miller's participation in the corporation was not of such nature to require its listing in his application, or was so inconsequential as to render its omission without significance. The issues will be enlarged to permit investigation of this question.

10. Regional further argues that the association between Miller and Weinberg, plus the circumstances and timing surrounding Miller's application and an application filed by Weinberg for a standard broadcast station in the area, creates a presumption that Miller's application was a "strike" or "blocking" application designed to facilitate the prosecution of Weinberg's application. The Commission's records disclose the following sequence of events. On February 5, 1957, Weinberg, in partnership with one John J. Keel, filed an application for a facility on 1320 kc at Braddock Heights, Maryland, which was mutually exclusive with the then pending application of Musical Heights, Inc. for the same facilities.<sup>5</sup> On March 11, 1957, Musical Heights amended to specify 1410 kc instead of 1320 kc, but still at Braddock Heights. On April 9, 1957, Miller, using the same John J. Keel as his engineering consultant, filed his application for 1410 kc at Halfway, Maryland, which application was mutually exclusive with the amended application of Musical Heights. Thus, the filing of the Miller application precluded a grant without hearing of an application which would be competitive with Weinberg's proposed facility. This, coupled with the fact that Miller and Weinberg have apparently previously joined together for mutual business advantage, and the fact that Weinberg's partner, Keel, was the engineering consultant who advised the filing of an application which, on its face, would be competitively advantageous to the Weinberg-Keel application is sufficient to warrant the designation of an issue as to Miller's motive in filing his application, and his intentions relative to actually constructing and operating the station in the event of a grant.

11. Regional further contends that in view of the Miller-Weinberg relationship and the proximity of their proposed stations, a question as to violation of § 3.35 of the rules is raised. The two elements necessary to invoke this Section are common control of the two stations and an overlap of a substantial portion of their primary service areas. As hereinbefore noted, the issues in this proceeding are to be enlarged to determine the degree of affinity between Miller and Weinberg. This question will be explored both generally and with specific reference to the degree, if any, of common control of their proposed stations. The engineering exhibit submitted with

<sup>5</sup> On March 9, 1958, Weinberg and Keel dismissed their application for Braddock Heights, and on the same day filed a new application on the same frequency at Middletown, Maryland, a community approximately three miles northwest of Braddock Heights. On August 18, 1958, the second Weinberg-Keel application was amended to specify 1550 kc. However, the Commission's concern is with the status of the applications at the time the Miller application was filed.

Miller's application indicates that his 0.5 mv/m contour cuts through the northwest corner of the community of Middletown, and the engineering exhibit submitted with the Weinberg-Keel application at Middletown indicates that Halfway lies within their 0.5 mv/m contour. Whether the resulting overlap would constitute a "substantial portion" of their primary service areas would depend on all the circumstances of the case, but the present state of the record requires that evidence be introduced, pursuant to an appropriate issue, to determine whether § 3.35 of the rules will be violated.

Miller's financial qualifications (Requested Issue No. 5):

12. Regional alleges that the material contained in Miller's application does not demonstrate his financial qualifications to construct his proposed station. Miller has estimated his total cost of getting on the air at \$17,409.65, of which approximately \$8,500 must be paid prior to operation. On March 20, 1957, he submitted a financial statement showing total assets in excess of \$64,000 (including real estate at \$1,800), "cash" in excess of \$1,350, and long term liabilities of \$11,500. On April 20, 1957, he submitted a second financial statement showing total assets in excess of \$99,000 (including real estate at \$18,000), "cash" in excess of \$20,000, and long term liabilities of \$7,000. On August 1, 1958, he submitted a third financial statement showing total assets in excess of \$110,000 (including real estate at \$18,000), "cash" in excess of \$30,000 and long term liabilities of \$6,000. The material changes in the financial statements lie in the valuation of real property and the amount of "cash". Regional alleges, as a matter of common knowledge, that the theater business in which Miller is engaged has been poor and it is, therefore, incredible that his financial position could have improved so greatly over such a short period of time. Miller's affidavit replies that the increase in the evaluation of the real property results from the fact that the original valuation of \$1,800 was a typographical error, and the improvement in the "cash" position arises because his original statement did not include the value of a coin collection. The disparity between the cash positions of the second and third statements is said to result from additions to the coin collection and "other increases."

13. Although Regional's arguments relative to the requested financial issue are not altogether persuasive, sufficient has been alleged when considered in conjunction with Miller's reply with respect to his cash position to warrant enlargement of the issues.

Fishman's program proposals (Requested Issues 6 and 7):

14. Regional points out that Mr. Fishman's application does not specify program titles and argues that this, coupled with certain deficiencies in the engineering portion of his application as originally filed, indicates that he failed to give proper time and attention to his programming proposals. Accordingly, Regional seeks issues as to whether Fish-

man's program proposals adequately reflect his judgment as to programming, and whether his programming will meet the needs of Brunswick, Maryland, the community which he proposes to serve.

15. Program titles are not essential to establish program content, for they may be misleading in this regard. Fishman's application sets forth the type or class of program he proposes to broadcast in each time segment and thereby fulfills the Commission's requirements. The further description of the programs by title would be of no material assistance to the Commission in evaluating Fishman's proposal, and the lack of such titles is not a proper basis for an inference that the programming proposal was prepared without due consideration for the various factors involved. Regional alleges no facts casting doubt on the general suitability of Fishman's proposals to meet the needs of Brunswick, Maryland.

Availability of Fishman's transmitter site (Requested Issues 8 and 9):

16. Regional alleges without substantiation that Fishman's proposed transmitter site is owned by a Mrs. Lydia Throckmorton, and that Fishman has not even discussed with her a use of her property to the extent he now proposes. Fishman states in his opposition that he never proposed to use Mrs. Throckmorton's land as his transmitter site, but rather the land of J. B. Cunningham directly adjacent thereto, on which land he has an option. As Regional's reply to the opposition does not challenge this statement, the Commission assumes that its allegation arose through error.

17. Regional further requests that existing Issue No. 7 be expanded to include a comparison of the Fishman application. This portion of the petition will be disposed of in a subsequent memorandum.

Accordingly, it is ordered, This 13th day of May 1959, that Issue No. 8 is renumbered as Issue No. 12, and that the following are added as Issues 8, 9, 10 and 11:

8. To determine whether, in regard to the Miller-Weinberg business relationship, the application of Four States Broadcasting Company fully disclosed the information called for by section II, page 4, Table II of Commission Form 301, and, if the finding be in the negative, what information was not set forth and the reasons therefor.

9. To determine the nature and degree of relationship, including business relationship, which exists between John L. Miller and Dan Weinberg, and whether the application of John L. Miller, tr/as The Four States Broadcasting Company, was filed in good faith or was filed solely or in part to improve the competitive position of Dan Weinberg in any proceeding before this Commission.

10. To determine whether the stations proposed by John L. Miller at Halfway, Maryland, and Dan Weinberg, in partnership with John J. Keel, at Middletown, Maryland, will be under common control within the contemplation of § 3.35 of the Commission's rules, and, if so, whether a grant of Miller's application would be in contravention of § 3.35 of the Commission's rules.

11. To determine whether John L. Miller, tr/as The Four States Broadcasting Company, is financially qualified to construct his proposed station and operate it for a reasonable time.

*It is further ordered,* That the petition to enlarge issues filed by Regional Broadcasting Company on December 15, 1958, is, to the extent set forth above, granted, and, except as provided in paragraph 17 hereof, is otherwise denied.

Released: May 14, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4260; Filed, May 19, 1959;  
8:51 a.m.]

[Docket Nos 12349, 12351; FCC 59M-621]

### WJPB-TV, INC., AND TELECASTING, INC.

#### Order Continuing Hearing

In re applications of WJPB-TV, Inc., Weston, West Virginia, Docket No. 12349, File No. BPCT-2318; Telecasting, Inc., Weston, West Virginia, Docket No. 12351, File No. BPCT-2345; for construction permits for new television broadcast stations (Channel 5).

Upon verbal request of counsel for all parties to this proceeding, *It is ordered*, This 13th day of May 1959, that hearing herein, which is presently scheduled for May 14, 1959, be, and the same is hereby, continued to May 28, 1959, at 9:15 a.m., in the offices of the Commission, Washington, D.C.

Released: May 13, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4261; Filed, May 19, 1959;  
8:51 a.m.]

[Docket No. 11645, etc.; FCC 59-454]

### AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

#### Order Amending Issues

In the matter of American Telephone and Telegraph Company, charges, classifications, regulations and practices for and in connection with private line services and channels; Docket No. 11645; The Western Union Telegraph Company, charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service; Docket No. 11646; American Telephone and Telegraph Company, et al., charges, classifications, regulations and practices for and in connection with channels for data transmission; Docket No. 12194.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of May 1959;

The Commission having under consideration:

(1) The record in the above-entitled proceeding;

(2) Certain revised tariff schedules filed by American Telephone and Telegraph Company (AT & T) under its Transmittal No. 5940 to become effective May 17, 1959, together with revised concurrences of the associated Bell companies in the tariff schedules of AT & T applicable to the various private line services and channels; and

It appearing, that the effect of the above-mentioned tariff schedules and concurrences is to make applicable the charges, classifications, regulations and practices contained in the AT & T private line tariff schedules to interstate private line communication services and channels furnished by the associated Bell companies solely by means of their own facilities and those of their concurring, connecting and other participating carriers other than AT & T; and

It further appearing, that by virtue of our previous orders of March 9, 1956, and October 9, 1956, herein, the above-mentioned tariff filings would bring into issue herein the justness and reasonableness of the charges, classifications, regulations and practices contained in the AT & T tariffs as applied to services furnished solely by associated Bell companies as distinguished from their application to joint AT & T and associated Bell company services as originally contemplated in this proceeding; and

It further appearing, that the record in Docket No. 11645 does not contain sufficient evidence to resolve issues as to the justification for the tariff schedules involved therein as applied to services furnished solely by associated Bell companies; and

It further appearing, that to delay the closing of the record in Docket No. 11645 a length of time which would allow the introduction of and cross examination with respect to evidence sufficient to resolve such issues would not conduce to the prompt and orderly dispatch of Commission business or serve the ends of justice;

*It is ordered*, That the issues in Docket No. 11645 are amended to preclude consideration of the lawfulness of the tariff schedules herein involved as applied to interstate communication services furnished solely by the associated Bell companies, or by them jointly with their connecting, concurring and other participating carriers other than AT&T.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4262; Filed, May 19, 1959;  
8:51 a.m.]

[Docket No. 12870; FCC 59-447]

### NORTHEAST RADIO, INC. (WCAP)

#### Order Designating Application for Hearing on Stated Issues

In re application of Northeast Radio Inc. (WCAP), Lowell, Massachusetts, Docket No. 12870, File No. BP-12014; (Has: 980 kc, 1 kw, Day) (Req: 980 kc,

5 kw, Day); for standard broadcast construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 13th day of May 1959;

The Commission having under consideration the above-captioned and described application; and

It appearing, that except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to operate the station as proposed, but that the instant proposal would cause objectionable interference to stations WTRY, Troy, New York; WSUB, Groton, Connecticut; and WCSH, Portland, Maine; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applicant and the licensees of said stations were notified by letter dated February 18, 1959, of aforementioned deficiency, and that the Commission was unable to conclude that a grant of the instant application would be in the public interest; and

It further appearing, that the applicant filed a timely reply and stated that it would appear at a hearing on its application; and

It further appearing, that the Commission, after consideration of the foregoing, is of the opinion that a hearing on the instant application is necessary;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would be expected to gain or lose primary service from the proposed operation of Station WCAP, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WCAP would cause objectionable interference to Stations WTRY, Troy, New York; WSUB, Groton, Connecticut; and WCSH, Portland, Maine, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That Maine Radio and Television Company; Lawrence A. Reilly and James L. Spates; and The WTRY Broadcasting Corp., licensees of stations WCSH, WSUB and WTRY, respectively, are made parties to the hearing proceeding;

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed

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for the hearing and present evidence on the issues specified in the order.

Released: May 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-4263; Filed, May 19, 1959;  
8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. G-18462 etc.]

A. F. BRANN ET AL.

### Order for Hearings and Suspending Proposed Changes in Rates<sup>1</sup>

MAY 13, 1959.

In the matters of A. F. Brann, Docket No. G-18462; The Carter Oil Company, Docket No. G-18463; Hunt Oil Company, Docket No. G-18464.

On April 13, 1959, the above-named Respondents tendered for filing Notices of Change, which propose increased rates and charges in their presently effective rate schedules<sup>2</sup> for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following designated filings:

A. F. Brann and The Carter Oil Company

Description: Notices of Change, dated April 9, 1959.

Purchaser: Natural Gas Pipeline Company of America.

Rate schedule designations: Supplement No. 4 to A. F. Brann's FPC Gas Rate Schedule No. 1. Supplement No. 2 to The Carter Oil Company's FPC Gas Rate Schedule No. 44.

Effective date: May 14, 1959 (effective date is the first day after expiration of the required thirty days' notice).

Hunt Oil Company

Description: Notice of Change, undated.

Purchaser: El Paso Natural Gas Company.

Rate schedule designation: Supplement No. 5 to Hunt Oil Company's FPC Gas Rate Schedule No. 31.

Effective date: May 14, 1959 (effective date is the first day after expiration of the required thirty days' notice. Hunt requested a prior effective date and waiver of notice).

In support of the proposed increased rates and charges A. F. Brann (Brann) and The Carter Oil Company (Carter) cite the periodic price provisions of their contracts and state that the contracts were negotiated at arm's length. In addition Brann and Carter state that without the periodic price provisions of their contracts they would not have executed the contracts. Further, they state that the periodic price provisions are beneficial to buyer in permitting a low purchase

<sup>1</sup> This order does not provide for the consolidation for hearing of the above dockets, nor should it be so construed.

<sup>2</sup> A. F. Brann's rates are in effect subject to refund in Docket No. G-16490 Supplement No. 3 and subject to order in Docket No. G-12996. The Carter Oil Company's rates are in effect subject to refund in Docket No. G-15176 Supplement No. 1. Hunt Oil Company's rates are in effect subject to refund in Docket No. G-16422 Supplement No. 4 and subject to order in Docket No. G-13191 Supplement No. 3.

price during the period buyer's una-mortized capital investment is high and are beneficial to seller in that it receives a progressively higher return contemporaneously with its increasing costs.

In support of the proposed increased rates and charges Hunt Oil Company (Hunt) cites the favored-nation provision of the contract; El Paso Natural Gas Company has protested Hunt's proposed increased rates and charges.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements to Respondents' FPC Gas Rate Schedule be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements to Respondents' FPC Gas Rate Schedules.

(B) Pending the hearings and decisions thereon, the above-designated supplements are each hereby suspended and the use thereof deferred until October 14, 1959, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-4217; Filed, May 19, 1959;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

MAY 15, 1959.

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203(b) (8) of the Interstate Commerce Act has been re-



ceived and will be processed in the manner hereinafter indicated.

In No. MC-C-3, *Chicago, Ill., Commercial Zone*, a petition dated April 2, 1959, has been filed by the Village of Elk Grove, Ill., seeking redefinition of the limits of the commercial zone of Chicago, Ill., in a manner to expand them to include the Village of Elk Grove.

The limits of the *Chicago, Ill., Commercial Zone* are presently defined in No. MC-C-3, *Chicago, Ill., Commercial Zone*, 1 M.C.C. 673 (49 CFR 170.2). Attorneys for petitioner are Axelrod, Goodman and Steiner, 39 South LaSalle St., Chicago 3, Ill.

No formal hearing is contemplated with respect to the petition, but an informal investigation with respect to redefinition of the zone limits will be conducted. Subsequent to such investigation the Commission will either (1) enter an order denying the petition or, (2) if any change is considered, a Notice of Proposed Rule Making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and the individual petitioner of their desire on or before 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-4239; Filed, May 19, 1959;  
8:49 a.m.]

## PETITION TO REDEFINE COMMERCIAL ZONE LIMITS

MAY 15, 1959.

The following petition relative to the limits of the zone adjacent to and commercially a part of a municipality within the meaning of section 203(b) (8) of the Interstate Commerce Act has been received and will be processed in the manner hereinafter indicated.

In Ex Parte No. MC-37, *Commercial Zones and Terminal Areas*, a petition dated April 27, 1959, has been filed by the Lake Charles Harbor and Terminal District and 5 manufacturers seeking redefinition of the commercial zone of Lake Charles, La., in a manner to expand them.

The limits of the commercial zone of Lake Charles, La., are now determined by application of the mileage-population formula enunciated in Ex Parte No. MC-37, *Commercial Zones and Terminal Areas*, 46 M.C.C. 655 (49 CFR 170.15, 170.16, and 170.17) and include the base municipality of Lake Charles, all unincorporated areas within 4 miles of Lake Charles corporate limits, and all of any other municipality any part of which is within 4 miles of the corporate limits of Lake Charles. Traffic Manager for the Lake Charles Harbor and Terminal District is D. C. Davis, Port of Lake Charles, Lake Charles Harbor and Terminal District, Lake Charles, La.

Petitioners seek enlargement of the above-described zone limits to encompass

the area now recognized as the Lake Charles Harbor and Terminal District but not less than 4 miles from the corporate limits of Lake Charles at any point.

No oral hearing is contemplated with respect to the petition, but an informal investigation with respect to redefinition of the zone limits will be conducted. Subsequent to such investigation, the Commission will either (1) enter an order denying the petition or, (2) if any change is considered, a Notice of Proposed Rule Making will be published. Persons supporting or opposed to any change in the present zone limits, who desire to participate in future proceedings on this petition or be notified of any action taken thereon, should notify the Commission and the petitioners of their desire on or before 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-4240; Filed, May 19, 1959;  
8:49 a.m.]

[No. MC-C-2526]

## PETITION FOR DECLARATORY ORDER

MAY 15, 1959.

Petitioner: CROSS COUNTRY TRUCK RENTALS, INC., 160 Carnegie Avenue, Newark, N.J. Petitioner's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. In the petition dated February 12, 1959, petitioner states that it is engaged in the business of renting or leasing motor vehicles to private carriers for use in the transportation of their products, and as such is of the belief that it is not subject to the provisions of the Interstate Commerce Act. Petitioner alleges further that he is informed and believes that an investigation of its activities is being conducted by the Commission, that the investigation includes the legality of lease arrangements with and by various private carriers, who have in the past leased equipment from petitioner, and states that a hearing is desired at Newark, N.J.

HEARING: June 25, 1959, at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed) at the U.S. Court Rooms, Newark, N.J., before Examiner Lucian A. Jackson.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-4241; Filed, May 19, 1959;  
8:49 a.m.]

## ORGANIZATION MINUTES

MAY 15, 1959.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Com-

merce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, revised to January 1, 1959 (24 F.R. 2506) have been amended in the following particulars:

The section entitled *Duties and Responsibilities of the Chairman of the Commission* has been amended by deletion of Item 3.14.

The section entitled *Assignment of Duties to Individual Commissioners* has been amended by adding new Item 6.9(d) delegating the duty described below to the Commissioner through whom the Bureau of Safety and Service reports:

6.9(d) Authority to recommend to the United States Attorneys or Department of Justice that appropriate civil or penal proceedings be instituted to enforce the statutory provisions delegated to Division 3 relating to safety of railroad operations.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-4242; Filed, May 19, 1959;  
8:49 a.m.]

[Notice 269]

## MOTOR CARRIER APPLICATIONS

MAY 15, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

### APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

#### MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 103) filed March 26, 1959. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, grain, in bulk, petroleum products, in bulk, set-up automobiles, and commodities requiring special equipment, between Great Falls, Mont., and the Port of Entry on the boundary between the United States and Canada at Sweetgrass, Mont.: from Great Falls over U.S. Highway 91 to the Port of Entry at Sweetgrass, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Washington, Idaho, Montana, California, Nevada, Oregon, Wyoming, Utah, Arizona, New Mexico, and Colorado.

HEARING: June 30, 1959, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 345.



No. MC 603 (Sub No. 13), filed April 16, 1959. Applicant: T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Highway 278 West., Amory, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Hamilton (Monroe County), Miss., as an off-route point in connection with applicant's authorized regular route operations between Memphis, Tenn., and Amory, Miss. Applicant is authorized to conduct operations in Alabama, Mississippi, and Tennessee.

HEARING: July 1, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97.

No. MC 2202 (Sub No. 174), filed May 11, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Holmesville (located in Holmes County), Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Wooster, Ohio. Applicant is authorized to conduct operations in Alabama, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: June 10, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2229 (Sub No. 97), filed May 12, 1959. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar, P.O. Box 3148, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points Red Ball Motor Freight, Inc., is presently authorized to serve in the transportation of general commodities, as contained in Certificate No. MC 2229 and sub numbers thereunder. Applicant is authorized to conduct operations in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: Applicant states that it seeks authority by the instant application, if it does not already have authority, to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "sealdrums" or "sealbins" marketed by the U. S. Rubber Company, or other collapsible containers of similar nature and design.

HEARING: June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 3009 (Sub No. 30), filed April 13, 1959. Applicant: WEST BROTHERS, INC., 706 East Pine Street Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Birmingham, Ala., and Meridian, Miss., over U.S. Highway 11, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Birmingham, Ala., and New Orleans, La., and Birmingham, Ala., and Gulfport, Miss. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

HEARING: June 30, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 3009 (Sub No. 31), filed April 13, 1959. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Lucedale, Miss., and Poplarville, Miss., over Mississippi Highway 26, serving all intermediate points; and (2) Serving all intermediate points on U.S. Highway 49 between Hattiesburg, Miss., and Gulfport, Miss., in connection with applicant's authorized regular route operations between Hattiesburg, Miss., and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

NOTE: Any duplication with present and pending authority to be eliminated.

HEARING: June 29, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97.

No. MC 8989 (Sub No. 181), filed May 8, 1959. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, P.O. Box 1228, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in initial truckaway and drive-away service, from Warren, Mich., to points in the United States, including Alaska and the District of Columbia, and *damaged, rejected and returned shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 17731 (Sub No. 8), filed April 22, 1959. Applicant: KEAL DRIVE-AWAY COMPANY, A CORPORATION,

836-38 East 73d Street, Cleveland 3, Ohio. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Indianapolis 2, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *new trucks, new truck tractors, new truck chassis, and commercial automotive vehicles*, in initial movements, by the driveaway method, from Exton, Pa., to points in the United States; (b) *trailers, semitrailers, and trailer chassis*, in secondary movements, by the driveaway method, only when being drawn by tractors in the movement described in paragraph (a) above, from Exton, Pa., to points in the United States including Alaska; (c) *parts and equipment* of the vehicles described in paragraphs (a) and (b) above, only when belonging to and accompanying the vehicle on which they are to be installed, from Exton, Pa., to points in the United States including Alaska; and *rejected and/or damaged shipments* of the above-described vehicles, on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 17731 (Sub No. 7), to determine whether applicant's status is that of a contract or common carrier.

HEARING: June 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C. before Examiner Leo W. Cunningham.

No. MC 22619 (Sub No. 12), filed April 27, 1959. Applicant: PULLEY FREIGHT LINES, INC., East 24th and Easton Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Peoria and Pekin, Ill., to points in Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 22619 (Sub No. 9). Dual operations under section 210 may be involved.

HEARING: July 8, 1959, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 29079 (Sub No. 7), filed April 6, 1959. Applicant: BRADA CARTAGE COMPANY, a corporation, 4001 Central, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel scrap*, in dump trucks only, from Benton Harbor, Mich., to Indiana Harbor (Lake County), Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, and Ohio.

HEARING: June 25, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 29328 (Sub No. 1), filed April 20, 1959. Applicant: SCHIEK MOTOR

EXPRESS, INC., 90 Casseday Avenue, Joliet, Ill. Applicant's attorney: Franklin R. Overmyer, Harris Trust Building, 111 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, raw and mixed, in bulk, in dump trucks, from points in Goose Lake Township, Grundy County, those within 5 miles of Ottawa, and Joliet, Ill., to points in Lake County, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: July 2, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MS 29886 (Sub No. 151), filed May 8, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in initial truckaway and driveaway service, from Warren, Mich., to points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 35320 (Sub No. 65), filed March 27, 1959. Applicant: T.I.M.E. INCORPORATED, 2604 Texas Avenue, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, and Class A and B explosives, serving the site of American Louisiana Pipe Line Company Compressor Station No. 5, located approximately nine (9) miles south of Brownsville, Tenn., as an off-route point in connection with applicant's authorized regular route operations between Brownsville, Tenn., and Union City, Tenn., over U.S. Highway 79 to Paris, Tenn., Tennessee Highway 54 to Dresden, Tenn., and Tennessee Highway 22 to Union City (Route 39) and other routes as described in Certificate No. MC 35320. Applicant is authorized to conduct operations in Texas, Oklahoma, New Mexico, California, Arizona, Arkansas, Tennessee, Kentucky, Ohio, Georgia, Missouri, Illinois, and Indiana.

HEARING: June 19, 1959, at the Claridge Hotel, Memphis, Tenn., before Examiner Isadore Freidson.

No. MC 41485 (Sub No. 2), filed February 20, 1959. Applicant: HAROLD F. KORTLEVER AND RAYMOND B. KORTLEVER doing business as LYNDEN-BELLINGHAM AUTO FREIGHT, Box 606, Lynden, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points within eight (8) miles of Lynden, Wash., as off-route

points in connection with applicant's authorized regular route operations between Lynden, Wash., and Bellingham, Wash.

HEARING: July 9, 1959, Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 42487 (Sub No. 398), filed April 27, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Ore. Applicant's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, between Grass Range, Mont., and Jordan, Mont., from Grass Range over Montana Highway 20 (formerly Montana Highway 18) to Jordan, and return over the same route, serving all intermediate points; (2) *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, between Winnett, Mont., and the junction of unnumbered highway and U.S. Highway 87, north of Roundup, Mont., from Winnett over unnumbered highway to the junction of U.S. Highway 87, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: July 7, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 42487 (Sub No. 399), filed April 27, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Ore. Applicant's attorney: Jerome Anderson Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, between Shelby, Mont., and Glendive, Mont., from Shelby over U.S. Highway 2 to Wolf Point, thence over Montana Highway 13 to Circle, thence over Montana Highway 20 (formerly Montana Highway 18) to Glendive, and return over the same route, serving the intermediate points of Oswego, Frazer, Wyola, Nashua, Glasgow, Malta, Hinsdale, and Saco, and the off-route point of Glasgow Air Force Base. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: July 7, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 42487 (Sub No. 400), filed April 27, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest

Savier Street, Portland, Ore. Applicant's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank trucks, (1) between Lewistown, Mont., and Malta, Mont.; from Lewistown over Montana Highway 19 to Malta, and return over the same route, serving no intermediate points; and (2) between Grass Range, Mont., and junction Montana Highway 19 and unnumbered highway east of Roy, Mont.; from Grass Range over U.S. Highway 87 to its junction with unnumbered highway at a point one (1) mile north of Grass Range, thence over unnumbered highway to junction unnumbered highway and Montana Highway 19 east of Roy, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, California, North Dakota, Minnesota, Montana, and Utah.

HEARING: July 7, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 42487 (Sub No. 401), filed April 30, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland, Ore. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, between Thickol Chemical Corporation Plant site, Utah, and Brigham City, Utah, from Brigham City over U.S. Highway 191 to Corinne, Utah, thence over Utah Highway 83 through Dathol, Utah to junction unnumbered County road, thence over unnumbered County road to Thickol Chemical Corporation Plant site, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, California, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

HEARING: June 25, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 42487 (Sub No. 402), filed May 7, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Ore. Applicant's attorney: Jerome Anderson, Electric Building, P.O. Box 1472, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, between points in Glacier, Toole, Liberty, Hill, Pondera, Blaine, Phillips, Valley, Daniels, Roosevelt, Sheridan, Richland, Rosebud, Garfield, Musselshell, Petroleum, Yellowstone, Teton, Choteau, and McCone Counties, Mont. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota,

Utah, Washington, Wisconsin, and Wyoming.)

**HEARING:** July 6, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 43038 (Sub No. 411), filed May 8, 1959. Applicant: COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in initial movements, by driveaway and truckaway, from Warren, Mich., to all points in the United States, including Alaska and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

**HEARING:** June 25, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 47616 (Sub No. 7), filed April 30, 1959. Applicant: AERO MOTOR LINES, INCORPORATED, 145 Railroad Hill Street, Waterbury, Conn. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers and chemical supplies in containers*, except in tank vehicles, (1) between Waterbury, Conn., on the one hand, and, on the other, points in New Jersey, except those in that part of New Jersey east of a line beginning at the New York-New Jersey State line near Port Jervis, N.Y., and extending in a southwesterly direction to Phillipsburg, N.J., thence in a southeasterly direction through Asbury Park, N.J., to the Atlantic Ocean; (2) between Wallingford, Conn., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, those in that part of New York south and east of a line beginning at the junction of the New York-Connecticut and New York-Massachusetts State lines near Boston Corner, N.Y., and extending in a northwesterly direction to Saratoga Springs, N.Y., thence in a westerly direction to Gloversville, N.Y., and thence in a southerly direction through Port Jervis, N.Y., to the New York-New Jersey State line, and those in New Jersey. Applicant is authorized to conduct operations in New York, New Jersey, Massachusetts, Connecticut, Rhode Island, and Vermont.

**HEARING:** June 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 50069 (Sub No. 211), filed May 6, 1959. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid*

*chemicals*, in bulk, in tank vehicles, from the plant site of Calumet Nitrogen Chemical Co., Hammond, Ind., to points in Illinois. Applicant is authorized to conduct operations in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 17, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 52465 (Sub No. 23), filed April 20, 1959. Applicant: WESTERN EXPRESS, 2300 Ninth Avenue North, Great Falls, Mont. Applicant's attorney: Ray F. Koby, 527-529 Ford Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Seattle, Wash., and points within ten miles thereof, to points in Montana. Applicant is authorized to conduct operations in Montana, Idaho, Washington, and Utah.

**HEARING:** June 29, 1959, at the Montana Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 79.

No. MC 52709 (Sub No. 91), filed May 6, 1959. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Class A and B explosives*, serving the site of the Thiokol Chemical Corporation plant, located near Corinne, Utah, as an off-route point in connection with applicant's authorized regular route operations at Ogden, Utah. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Missouri, Nebraska, Nevada, Utah, and Wyoming.

**HEARING:** June 3, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 207.

No. MC 52713 (Sub No. 8), filed May 11, 1959. Applicant: CASSVILLE TRUCK LINE, INC., Cassville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Springfield, Mo., and Joplin, Mo., over U.S. Highway 66, serving all intermediate points and the off-route point of Everton, Mo. Applicant is authorized to conduct operations in Missouri.

**NOTE:** Applicant states that the above requested authority will be tacked to its present authority.

**HEARING:** July 14, 1959, at 11:00 a.m., United States standard time (or 11:00 a.m., local daylight saving time, if that time is observed), at the Missouri Public

Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 58885 (Sub No. 20), filed April 13, 1959. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street, Atlanta, Ga. Applicant's attorney: Allan Watkins, 214-216 Grunt Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Carpets, carpeting, rugs, yarn, latex, latex compounds, textile machinery and textile machinery parts, scoured wool, rayon and synthetic fibre and shipping containers*, between Atlanta, Ga., and Rabun Gap, Ga., from Atlanta over U.S. Highway 23 to Rabun Gap, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Georgia, North Carolina and Tennessee.

**NOTE:** Applicant states it has regular route general commodity authority between Atlanta and Dahlonega, Ga. (MC 58885 Sub No. 2, Georgia Highway 9, U.S. Highway 19), and irregular route authority for the commodities specified in this application between Dahlonega and Rabun Gap, Ga. (MC 58885 Sub 16).

**HEARING:** June 24, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101.

No. MC 58992 (Sub No. 3), filed April 27, 1959. Applicant: DALE E. ALEXANDER, doing business as ALEXANDER TRUCK LINE, P.O. Box 351, Lyons, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt compounds and salt products*, from the site of the American Salt Corporation Plant near Lyons, Kans., to Kansas City, Mo., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Kansas and Missouri.

**HEARING:** July 10, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 59124 (Sub No. 5), filed April 24, 1959. Applicant: GEORGE P. MAIERS AND CLARE E. MAIERS, a Partnership, doing business as MAIERS & SONS MOTOR FREIGHT, 5980 Fulton Street, Mayville, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except liquid commodities in bulk, commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, (1) between Bay City, Mich., and Detroit, Mich.: from Bay City over Michigan Highway 15 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit, and return over the same route, serving all intermediate points except those south of Millington, Mich.; (2) between Bay City, Mich., and Saginaw, Mich.: from Bay City over U.S. Highway 23 to Saginaw, and return over the same route, serving all intermediate points; (3) be-

tween Saginaw, Mich., and junction Michigan Highways 81 and 53 near Cass City, Mich.: from Saginaw over Michigan Highway 81 to junction Michigan Highway 53 near Cass City, and return over the same route, serving all intermediate points; (4) between Saginaw, Mich., and junction Michigan Highways 46 and 15 at Richville, Mich.: from Saginaw over Michigan Highway 46 to junction Michigan Highway 15 at Richville, and return over the same route, serving all intermediate points; (5) between Saginaw, Mich., and junction Michigan Highways 38 and 15 at Vassar, Mich.: from Saginaw over U.S. Highway 10 to junction Michigan Highway 38, thence over Michigan Highway 38 to junction Michigan Highway 15 at Vassar, and return over the same route, serving all intermediate points; (6) between junction Michigan Highways 83 and 15 near Gera, Mich., and junction Michigan Highways 83 and 38 at Frankenmuth, Mich.: from junction Michigan Highways 83 and 15 near Gera over Michigan Highway 83 to junction Michigan Highway 38 at Frankenmuth, and return over the same route, serving all intermediate points; (7) between junction Millington Road and Michigan Highway 15 at Millington, Mich., and junction Bray Road and Michigan Highway 38: from junction Millington Road and Michigan Highway 15 at Millington over Millington Road to Bray Road, thence over Bray Road to junction Michigan Highway 38, and return over the same route, serving all intermediate points; (8) between Richville, Mich., and junction Michigan Highways 46 and 53: from Richville over Michigan Highway 46 to junction Michigan Highway 53, and return over the same route, serving all intermediate points except those east of Michigan Highway 24; (9) between Richville, Mich., and junction Van Buren Road and Michigan Highway 81 near Reese, Mich.: from Richville over Van Buren Road to junction Michigan Highway 81 near Reese, and return over the same route, serving all intermediate points; (10) between Vassar, Mich., and junction Vassar Road and Michigan Highway 81, near Vassar, over Vassar Road to junction Michigan 81, and return over the same route, serving all intermediate points; (11) between junction Leix Road and Michigan Highway 38 near Mayville, Mich., and junction Leix Road and Michigan Highway 46: from junction Leix Road and Michigan Highway 38 near Mayville, over Leix Road, to junction Michigan Highway 46, and return over the same route, serving all intermediate points; (12) between Vassar, Mich., and Marlette, Mich.: from Vassar over Michigan Highway 38 to Marlette and return over the same route, serving all intermediate points; (13) between Mayville, Mich., and Detroit, Mich.: from Mayville over Michigan Highway 24 to junction U.S. Highway 10, thence over U.S. Highway 10 to Detroit, and return over the same route, serving only those intermediate points between Mayville and junction Michigan Highways 24 and 90; (14) between Caro, Mich., and Deford, Mich.: from Caro over unnumbered County

Road to Deford and return over the same route, serving all intermediate points; (15) between Wilmot, Mich., and Cass City, Mich.: from Wilmot over unnumbered County Road, through Deford, Mich., to Cass City, and return over the same route, serving all intermediate points; (16) between Hemans, Mich., and Caro, Mich.: from Hemans over unnumbered County Road to Caro, and return over the same route, serving all intermediate points; (17) between Caro, Mich., and Kings Mill, Mich.: from Caro over Michigan Highway 24 to junction Michigan Highway 38, thence over Michigan Highway 38 to Clifford, Mich., thence over County Road to Kings Mill, and return over the same route, serving all intermediate points; (18) between junction Michigan Highway 38 and County Road west of Clifford, Mich., and North Branch, Mich.: from junction Michigan Highway 38 and County Road west of Clifford, over unnumbered County Road to North Branch, and return over the same route, serving all intermediate points; (19) between junction unnumbered County Road and Michigan Highway 38 at Mayville, Mich., and Detroit, Mich.: from junction unnumbered County Road and Michigan Highway 38 at Mayville, over unnumbered County Road, through Fostoria, Mich., to junction Michigan Highway 90, thence over Michigan Highway 90 to junction Michigan Highway 19, thence over Michigan Highway 19 to junction U.S. Highway 25 near Richmond, Mich., thence over U.S. Highway 25 to Detroit, and return over the same route, serving all intermediate points, and the off-route points of Bodyville, Valley Center and Melvin, Mich.; (20) between Millington, Mich., and Fostoria, Mich.: from Millington over County Road 541 to junction County Road 403, thence over County Road 403 to Fostoria, and return over the same route, serving all intermediate points; (21) between New Greenleaf, Mich., and Detroit, Mich.: from New Greenleaf over unnumbered County Road to junction Michigan Highway 53, thence over Michigan Highway 53 to Detroit, and return over the same route, serving all intermediate points, except those south of Imlay City, Mich.; (22) between Imlay City, Mich., and junction Michigan Highways 21 and 19 at Emmett, Mich.: from Imlay City over Michigan Highway 21 to junction Michigan Highway 19 at Emmett, and return over the same route, serving all intermediate points; (23) between Capac, Mich., and junction unnumbered county road and U.S. Highway 25: from Capac over unnumbered county road, through Berville, Armada and New Haven, Mich., to junction U.S. Highway 25, and return over the same route, serving all intermediate points; (24) between Yale, Mich., and junction Michigan Highways 136 and 19, at Memphis, Mich.: from Yale over county road through Fargo, Mich., to junction Michigan Highway 136, thence over Michigan Highway 136 through Avoca, Mich., to junction unnumbered county road, thence over unnumbered county road, through Ruby and Lamb, Mich., to

junction Michigan Highway 19 at Memphis, and return over the same route, serving all intermediate points; (25) between Armada, Mich., and junction unnumbered county road (North Avenue), and U.S. Highway 25 at Mt. Clemens, Mich.: from Armada over unnumbered county road (North Avenue), to junction U.S. Highway 25 at Mt. Clemens, and return over the same route, serving all intermediate points; (26) between Detroit, Mich., and Willow Run, Mich.: from Detroit over U.S. Highway 112 to Willow Run (also from Detroit over U.S. Highway 12 (the Detroit industrial expressway), to Willow Run), and return over the same route, serving all intermediate points; (27) between Detroit, Mich., and junction West Road and Allen Road at Trenton, Mich.: from Detroit over Jefferson Avenue, to junction West Road at Trenton, thence over West Road to junction Allen Road, and return over the same route, serving all intermediate points; (28) between junction U.S. Highway 10 and Michigan Highway 58 north of Pontiac, Mich., and junction U.S. Highway 10 and Michigan Highway 58 south of Pontiac via Michigan Highway 58, serving no intermediate points; (29) between Trenton, Mich., and junction Michigan Highway 58 and U.S. Highway 10 south of Pontiac: from Trenton over West Road to its junction with U.S. Highway 24, thence over U.S. Highway 24 to junction with Michigan Highway 58 and U.S. Highway 10, serving no intermediate points; (30) between junction Michigan Highway 24 and Michigan Highway 59 and the junction of U.S. Highway 25 and Michigan Highway 59 via Michigan Highway 59, serving no intermediate points; (31) between junction Michigan Highway 53 and Michigan Highway 21 and junction Michigan Highway 15 and Michigan Highway 21, via Michigan Highway 21, serving no intermediate points; (32) between Detroit, Mich., and junction U.S. Highway 25 and Michigan Highway 59: from Detroit over Michigan Highway 97 to junction Michigan Highway 59, thence over Michigan Highway 59 to junction U.S. Highway 25, serving no intermediate points; and (33) serving off-route points in Warren Township and Sterling Township in Macomb County, Mich., Troy Township in Oakland County, Mich., the Ford Motor Company plant (Mercury-Edsel-Lincoln Division) near Wixom, Mich., and the Ford Motor Company plant (Parts and Equipment Division) near Rawsonville, Mich.

NOTE: Applicant states it holds a certificate from the Michigan Public Service Commission authorizing intrastate operations over regular routes; it also holds a Certificate by this Commission in MC 59124 covering a portion of the same routes, and additional portions of the intrastate authority have been registered with this Commission under the Second Proviso in No. MC 59124 Sub 2. Applicant states that it seeks to avoid further misunderstandings and eliminate discrepancies by redescribing all of its interstate authority and that all of its existing operations be granted in the form of a Certificate of Public Convenience and Necessity. Applicant further states that if the Certificate herein sought is granted, it is



willing that all previously issued authority may be revoked.

**HEARING:** June 26, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 59310 (Sub No. 52), filed April 27, 1959. Applicant: SPROUT & DAVIS, INC., 2500 Indianapolis Boulevard, Whit-ting, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the Standard Oil Company of Indiana plant site in or near Elk Grove, Ill., to all points in Wisconsin, and *damaged or rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct contract carrier operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin.

**NOTE:** A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 59310 (Sub No. 46).

**HEARING:** June 29, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 59336 (Sub No. 16), filed April 30, 1959. Applicant: U.S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, Mich. Applicant's attorney: Wilber M. Brucker, Jr., 745 Penobscot Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Owosso, Mich., and Ionia, Mich.: from Owosso, over Michigan Highway 21 to Ionia, and return over the same route, serving all intermediate points, and serving the off-route point of Lyons, Mich. Applicant is authorized to conduct operations in Michigan and Ohio.

**HEARING:** June 26, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 61396 (Sub No. 66), filed April 27, 1959. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil* and its *refined products*, in bulk, in special equipment, between points in Kansas and points in Missouri. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

**HEARING:** July 13, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 61396 (Sub No. 67) filed April 27, 1959. Applicant: HERMAN BROS., INC., 711 W.O.W. Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil* and its *refined products*, in bulk, in spe-

cial equipment, from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, to points in Iowa. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

**HEARING:** July 13, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 55.

No. MC 63562 (Sub No. 35), filed April 1, 1959. Applicant: NORTHERN PACIFIC TRANSPORT COMPANY, a corporation, 176 East Fifth Street, St. Paul, Minn. Applicant's attorney: Harold K. Bradford, 176 East Fifth Street, St. Paul, Minn., and Applicant's representative: Leland M. Cowan, 425 Burlington Avenue, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Regular: General commodities*, including *articles of unusual value, commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, between Gardiner, Mont., and Mammoth Hot Springs (Yellowstone National Park), Wyo., over unnumbered National Park Highway, serving no intermediate points; and irregular routes: *General commodities*, including *articles of unusual value, commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, between Gardiner, Mont., and points in Yellowstone National Park, Wyo., excluding Mammoth Hot Springs (Yellowstone National Park), Wyo., restricted to truck load shipments only. Applicant is authorized to conduct regular and irregular route operations in Minnesota, Montana, North Dakota, and Washington.

**NOTE:** Applicant states it proposes to transport the above-specified commodities in connection with its present authorized operations.

**HEARING:** July 3, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 269.

No. MC 64932 (Sub No. 255), filed April 30, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in trailer vehicles, from Kankakee, Ill., and points within 10 miles thereof to points in New Jersey and New York. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

**HEARING:** June 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 64932 (Sub No. 256), filed April 30, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South

Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Chemicals*, in bulk, in trailer vehicles, from Kankakee, Ill., and points within 10 miles thereof, to points in Minnesota, Indiana, Ohio, Michigan, Wisconsin, Missouri, Kentucky, Iowa, and Kansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, South Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

**HEARING:** June 23, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James H. Gaffney.

No. MC 67118 (Sub No. 9), filed May 6, 1959. Applicant: STRONG MOTOR LINES, INCORPORATED, P.O. Box 8821, Richmond 25, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and dairy products*, as described by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, Appendix I thereof, as amended in 61 M.C.C. 766, from Richmond, Va., to points in North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Virginia, North Carolina, Pennsylvania, Maryland, New York, and South Carolina.

**NOTE:** Applicant states that the above transportation will be conducted under a continuing contract with Kingan Division, Hygrade Food Products Corporation.

**HEARING:** June 22, 1959, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 76177 (Sub No. 270), filed April 10, 1959. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Sylacauga, Ala., and Phenix City, Ala.: from Sylacauga over U.S. Highway 280, to Phenix City, and return over the same route, serving the intermediate point of Opelika, Ala., and the off-route point of Auburn, Ala. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North

Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

**NOTE:** Applicant is also authorized to conduct operations as a contract carrier in No. MC 89778 and sub numbers thereunder; a proceeding has been instituted under section 212(c) in MC 89778 Sub 69, to determine whether applicant's status is that of a common or contract carrier.

**HEARING:** June 25, 1959, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100.

No. MC 78632 (Sub No. 106), filed May 1, 1959. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Nashville, Tenn., and Gravel Hill, Ind., from Nashville over U.S. Highway 41 to the junction of U.S. Highways 52 and 41 at or near Gravel Hill, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill., and Nashville, Tenn., via Louisville, Ky. Applicant is authorized to conduct operations in Tennessee, Georgia, Missouri, Alabama, Illinois, Ohio, Kentucky, and Indiana.

**HEARING:** July 1, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 264, or, if the Joint Board waives its right to participate, before Examiner Isadore Freidson.

No. MC 86419 (Sub No. 6), filed March 24, 1959. Applicant: RAINBOW TRANSPORTATION CO., a corporation, 304 N Avenue, La Grande, Ore. Applicant's attorney: John M. Hickson, Failing Building, Portland, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, contractors' equipment and supplies*, between points in Union, Malheur, Baker, Harney, Grant, Wallowa, Umatilla, and Crook Counties, Ore., and points in Idaho. Applicant is authorized to conduct operations in Idaho and Oregon.

**HEARING:** June 30, 1959, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 6.

No. MC 93505 (Sub No. 4), filed March 24, 1959. Applicant: JOHN DAY VALLEY FREIGHT LINES, INC., P.O. Box 176, John Day, Ore. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, uncrated household goods, commodities in bulk and those requiring special equipment, (1) between Fossil,

Oreg., and Kinzua, Oreg.: from Fossil over Oregon Highway 19 to junction Wheeler County Road, approximately 3 miles south of Fossil, and thence over Wheeler County Road to Kinzua, and return over the same route; (2) between John Day, Oreg., and Canyon City, Oreg.: from John Day over U.S. Highway 395 to Canyon City, and return over the same route, serving off-route points within 1 mile of the above-specified route (2); (3) between Canyon City, Oreg., and Burns, Oreg.: from Canyon City over U.S. Highway 395 to Burns, and return over the same route, serving the intermediate points of Seneca and Silvies, Oreg.; (4) between Canyon City, Oreg., and Izee, Oreg.: from Canyon City over U.S. Highway 395 to junction unnumbered county highway about 15 miles south of Canyon City, and thence over unnumbered county highway to Izee, and return over the same route, serving all intermediate points; (5) between Prairie City, Oreg., and Baker, Oreg.: from Prairie City over U.S. Highway 26 to junction Oregon Highway 7, and thence over Oregon Highway 7 to Baker, and return over the same route, serving the intermediate points of Bates and Austin, Oreg.; (6) between Mount Vernon, Oreg., and Pendleton, Oreg.: from Mount Vernon over U.S. Highway 395 to Pendleton, and return over the same route, serving the intermediate point of Pilot Rock, Oreg., and those points between Pendleton and Pilot Rock, restricted to traffic moving to and from points south of Pilot Rock, and all other intermediate points without restriction; and (7) between Canyon City, Oreg., and The Dalles, Oreg.: from Canyon City over U.S. Highway 395 to junction U.S. Highway 26, thence over U.S. Highway 26 to junction Oregon Highway 19, thence over Oregon Highway 19 to junction U.S. Highway 30, and thence over U.S. Highway 30 to The Dalles, and return over the same route, serving all points on the route, including Canyon City and The Dalles, but with no local service between The Dalles, on the one hand, and, on the other, points west thereof. Applicant is authorized to conduct operations in Oregon, Washington, and Idaho.

**HEARING:** July 1, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Ore., before Joint Board No. 172.

No. MC 95920 (Sub No. 12), filed April 24, 1959. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Barbur Boulevard, Portland, Ore. Applicant's attorney: George R. La Bissoniere, 654 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, malt beverage containers and cartons, bottle openers, advertising matter, brewers yeast and brewery products moving incidentally to the movement of malt beverages*, from Olympia, Wash., to points in Washington, and *empty containers, rejected or spoiled malt beverages, hops in bales, rice, grain, infusorial earth, brewers malt, advertising matter and other brewery ingredients, materials and supplies unspecified*, from points in

Washington to Olympia, Wash., under continuing contract with the Olympia Brewing Company.

**HEARING:** July 10, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 80.

No. MC 97264 (Sub No. 20), filed April 6, 1959. Applicant: M AND M OIL AND TRANSPORTATION, INC., 6510 Brighton Road, Commercetown, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, in tank vehicles, (1) between points in Colorado on and south of U.S. Highway 50 and points in New Mexico on and north of a line consisting of U.S. Highway 60 from the Arizona-New Mexico State line to the junction with U.S. Highway 85, thence U.S. Highway 85 to the junction with U.S. Highway 380, thence U.S. Highway 380 to the New Mexico-Texas State line; (2) between points in Colorado on and south of U.S. Highway 50 and points in Utah on and south of U.S. Highway 50 and on and east of U.S. Highway 91. Applicant is authorized to conduct operations in Wyoming, Colorado, Idaho, North Dakota, South Dakota, Nebraska, and Kansas.

**HEARING:** June 22, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 212.

No. MC 98349 (Sub No. 1), filed April 27, 1959. Applicant: JOE C. HUNT, doing business as HUNT TRUCK LINE, Blanding, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Blanding, Utah, and Flagstaff, Ariz.: from Blanding over Utah Highway 47 to the Utah-Arizona State line, thence continue in a southerly direction over unnumbered Arizona Highway to junction U.S. Highway 89, approximately fourteen (14) miles north of Cameron, Ariz., thence over U.S. Highway 89 to Flagstaff, and return over the same route, serving all intermediate points in Arizona, and points within five (5) miles on each side of said highways between the Utah-Arizona State line and U.S. Highway 89 as off-route points; and (2) Between Salt Lake City, Utah and Blanding, Utah: from Salt Lake City over U.S. Highway 91 to Springville, Utah, thence over U.S. Highway 89 to Thistle, Utah, thence over combined U.S. Highways 6 and 50 to Crescent Junction, Utah, thence over U.S. Highway 160 to Monticello, Utah, thence over Utah Highway 47 to Blanding, and return over the same route, serving no intermediate points.

**NOTE:** Applicant conducts operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Applicant states he does not seek any duplicating rights but desires to convert his registered operating authority into regularly certificated rights



because of the proposed extension of operations across the State line into Arizona.

**HEARING:** June 24, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 48.

No. MC 101741 (Sub No. 5), filed February 24, 1959. Applicant: LEO E. THOMPSON AND HAROLD J. THOMPSON, doing business as THOMPSON & SONS TRANSPORTATION COMPANY, 3310 State Street, Boise, Idaho. Applicant's attorney: William P. Ellis, 1102 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk or in sacks, from Lime, Oreg., to points in Clearwater, Nez Perce, Lewis, Idaho, Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Elmore, Ada, and Owyhee Counties, Idaho. Applicant is authorized to conduct operations in Idaho and Oregon.

**HEARING:** July 7, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Oreg., before Joint Board No. 6.

No. MC 103378 (Sub No. 126), filed April 29, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine*, in bulk, in tank vehicles, from Hoboken and Waycross, Ga., to Savannah, Ga. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

**HEARING:** June 24, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101.

No. MC 105265 (Sub No. 42), filed May 12, 1959. Applicant: DENVER-AMARILLO RED BALL MOTOR FREIGHT, INC., 1210 South Lamar, P.O. Box 3148, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid or dry commodities*, in collapsible tanks or bins, or the equivalent thereof, between all points Denver-Amarillo Red Ball Motor Freight, Inc., is presently authorized to serve in the transportation of general commodities, as contained in Certificate No. MC 105265 and sub numbers thereunder. Applicant is authorized to conduct operations in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas.

**NOTE:** Applicant states that it seeks authority by the instant application, if it does not already have authority, to transport both liquid and dry commodities throughout its entire scope of operations when such transportation takes place in "sealtanks" or "sealbins" marketed by the U.S. Rubber Company, or other collapsible containers of similar nature and design.

**HEARING:** June 9, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 105556 (Sub No. 29), filed April 2, 1959. Applicant: HOUCK TRANSPORT COMPANY, a Montana corporation, Box 559, Glendive, Mont.

Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Billings, Mont., and points within 5 miles thereof to points in South Dakota on and south of U.S. Highway 212 from its junction with South Dakota Highway 45 east of Faulkton, in a westerly direction along U.S. Highway 212 to Cedar Canyon, thence in a westerly direction to Castle Rock, thence in a westerly direction to the South Dakota-Montana State line, and on and east of South Dakota Highway 45 from its junction with U.S. Highway 212 east of Faulkton in a northerly direction to the North Dakota-South Dakota State line, bisected by a line from Leola, S. Dak., to Ashley, N. Dak. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota, and Wyoming.

**HEARING:** July 3, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 270.

No. MC 106603 (Sub No. 54), filed May 1, 1959. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain SW., Grand Rapids, Mich. Applicant's attorney: Arthur P. Boynton, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Berrien County, Mich., to points in Indiana on and north of U.S. Highway 24, and those in Illinois on and north of U.S. Highway 24 and on and east of U.S. Highway 51. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Ohio, Iowa, Missouri, Wisconsin, Kentucky, and West Virginia.

**HEARING:** June 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 106760 (Sub No. 40), filed May 4, 1959. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Wayne Street, Toledo 9, Ohio. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, including all component parts, materials, supplies and fixtures, and, when shipped with such buildings, accessories used in the erection, construction and completion thereof, (1) between points in Indiana and Ohio, on the one hand, and, on the other, points in Maryland, New Jersey, Virginia, and the District of Columbia. (2) Between points in Pennsylvania and New York, on the one hand, and, on the other, points in New Jersey. (3) Between points in Pennsylvania, on the one hand, and, on the other, points in Delaware, Maryland, North Carolina, South Carolina, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York,

Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

**HEARING:** June 26, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 107376 (Sub No. 8), filed March 30, 1959. Applicant: TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and reinforced concrete beams and slabs and accessories and materials* incidental to the installation thereof, from the plant sites of Price Brothers Company, Livonia, Mich., and Brownstown Township, Wayne County, Mich., to points in Ohio and Indiana, and returned and rejected shipments of supplies and materials incidental to the manufacture of prestressed and reinforced concrete beams and slabs on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania.

**HEARING:** June 25, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 107496 (Sub No. 132), filed April 22, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyether pre-polymer*, in bulk in tank vehicles, from Burlington, Iowa to Mishawaka, Indiana. Applicant is authorized to conduct operations in Illinois, Iowa, Wisconsin, Minnesota, Nebraska, South Dakota, North Dakota, Kansas, Michigan, Ohio, Kentucky, Indiana, Colorado, Oklahoma, Arkansas, Louisiana, Texas, Missouri, and Pennsylvania.

**HEARING:** July 7, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 107496 (Sub No. 133), filed April 30, 1959. Applicant: RUAN TRANSPORT, INC., 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial soybean oil*, in bulk, in tank vehicles, from Belmond, Iowa, to Kansas City, Mo. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin.

**HEARING:** July 9, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 107500 (Sub No. 30), filed April 6, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class

A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Roseville, Ill., and junction Illinois Highway 116 and U.S. Highway 34, about two (2) miles west of Biggsville, Ill.; from Roseville, west over Illinois Highway 116 to junction with U.S. Highway 34, about two (2) miles west of Biggsville, Ill., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route between St. Louis, Mo., and Burlington, Iowa; from St. Louis over U.S. Highway 67 to junction U.S. Highway 34, thence over U.S. Highway 34 to Burlington, and return over the same route. Applicant is authorized to conduct operations in Colorado, Nebraska, Illinois, Iowa, Kansas, Missouri, and Montana.

**HEARING:** July 6, 1959, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107500 (Sub No. 33), filed April 6, 1959. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Stronghurst, Ill., and junction Illinois Highway 116 and U.S. Highway 34, about two (2) miles west of Biggsville, Ill.: from Stronghurst, north over Illinois Highway 94 to junction Illinois Highway 116, and thence over Illinois Highway 116 to junction with U.S. Highway 34 about two (2) miles west of Biggsville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route between Burlington, Iowa, and Stronghurst, Ill.: from Burlington over U.S. Highway 34 to junction Illinois County Road two (2) miles east of Gulfport, Ill., thence south to junction Illinois Highway 96 at Lomax, Ill., thence east to junction Illinois Highway 94, and thence over Illinois Highway 94 to Stronghurst, and return over the same route. Applicant is authorized to conduct operations in Colorado, Nebraska, Illinois, Iowa, Kansas, Missouri, and Montana.

**HEARING:** July 6, 1959, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 107576 (Sub No. 16), filed March 11, 1959. Applicant: SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Ore. Applicant's attorney: John M. Hickson, 1225 Failing Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, and excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk in tank vehicle other than whole

grain and commodities requiring special equipment, between Weston, Ore., and Milton-Freewater, Ore., over Oregon Highway 11, serving all intermediate points. Applicant is authorized to conduct operations in Oregon and Washington.

**HEARING:** July 3, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Ore., before Joint Board No. 172.

No. MC 107636 (Sub No. 2), filed April 6, 1959. Applicant: M. M. CAMPION AND GEORGE KINGSHOTT, doing business as C & K TRANSPORT, Box 427, New Buffalo, Mich. Applicant's attorney: Kit F. Clardy, Olds Tower, Lansing, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in tank vehicles, or in bags, in quantities of 40,000 pounds or more, from the sites of the Chicago Edison Company plants located in the Chicago, Ill., Commercial Zone, as defined by the Commission, and Romeo, Ill., to points in the Lower Peninsula of Michigan (points south of the Straits of Mackinac), and to points in Lake, Porter, La Porte, Saint Joseph, Elkhart, La Grange, and Steuben Counties, Ind.; (2) *Cement*, in bulk, in tank vehicles, or in bags, in quantities of 40,000 pounds or more, from Saint Joseph, Mich., to points in Indiana and Illinois; and (3) *Lime*, in bulk, in tank vehicles, or in bags, in quantities of 36,000 pounds or more, from points in Muskegon County, Mich., to points in Indiana and Illinois.

**NOTE:** Applicant states it now holds authority to transport cement in a reverse direction and this would serve to balance its operations.

**HEARING:** July 1, 1959, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 107757 (Sub No. 16), filed March 30, 1959. Applicant: M. C. SLATER, INC., 1129 Breman Avenue, St. Louis 7, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, De Kalb, Joliet, and Waukegan, Ill., to Lebanon and Springfield, Mo. Applicant is authorized to conduct operations in Missouri and Illinois.

**HEARING:** July 2, 1959, in Room 852, U.S. Customs House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 160.

No. MC 108449 (Sub No. 85), filed April 27, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, both liquid and dry, from points in Minnesota to points in the Upper Peninsula of Michigan, Wisconsin, Iowa, North Dakota, South Dakota, and Minnesota, including ports of entry on the International boundary between the United States and Canada in Minnesota and

North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Illinois, Iowa, South Dakota, and North Dakota.

**HEARING:** June 8, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third Street, Minneapolis, Minn., before Examiner A. Lane Cricher.

No. MC 108678 (Sub No. 31), filed April 27, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, oils and greases*, in bulk, in tank vehicles, from Owensboro, Ky., to Shelbyville, Tenn. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

**NOTE:** A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108678 Sub 21.

**HEARING:** July 3, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 25.

No. MC 108678 (Sub No. 35), filed May 4, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Vodka*, in bulk, in tank vehicles, from Pekin, Ill., to Detroit, Mich. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

**NOTE:** A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 108678 (Sub No. 21).

**HEARING:** July 17, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 73.

No. MC 109719 (Sub No. 1), filed April 13, 1959. Applicant: SAM V. SMITH AND ETHEL M. SMITH, a partnership, doing business as SMITH TRANSFER, 367 South Main Street, Toledo, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machines and machinery*, between points in Lincoln County, Ore., and points in Washington, and *heavy machines and machinery, boats, and household goods* as defined by the Commission, between points in Lincoln County, Ore., and points in California. Applicant is authorized to transport general commodities, with exceptions, between points in Lincoln County, Ore., and household goods as defined by the Commission, be-

tween points in Lincoln County, Oreg., on the one hand, and, on the other, points in Washington.

**HEARING:** July 7, 1959, on Ground Floor, Pittcock Block, 410 Southwest 10th Street, Portland, Oreg., before Joint Board No. 5.

No. MC 110353 (Sub No. 10), filed May 7, 1959. Applicant: GARNET O. NEWTON, R.D. No. 6, York, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bags, barrels and bulk, from points in Lancaster County, Pa., to points in New York, New Jersey, Delaware, and Maryland. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, New York, Ohio, and Pennsylvania.

**HEARING:** June 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 110525 (Sub No. 388), filed May 6, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: V. Baker Smith and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) between Louisiana and St. Louis, Mo., Milwaukee, Wis., and points in Illinois, on the one hand, and, on the other, points in Michigan, Indiana, Ohio, and Kentucky; (2) from Louisiana and St. Louis, Mo., Milwaukee, Wis., and points in Illinois to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (3) *Rejected shipments* of liquid chemicals from the above-specified destination points to the respective origin points. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**NOTE:** Applicant has contract carrier applications pending under MC 117507 and Subs thereunder. Dual authority under Section 210 may be involved.

**HEARING:** June 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 110698 (Sub No. 118), filed May 5, 1959. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Greensboro, N.C., to points in Massachusetts, Rhode Island, Connecticut, and New Hampshire. Applicant is

authorized to conduct operations in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

**HEARING:** June 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 111159 (Sub No. 84), filed April 27, 1959. Applicant: MILLER TRANSPORTERS, LTD., P.O. Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Mississippi to points in Choctaw County, Ala. Applicant is authorized to conduct operations in Alabama, Florida, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

**HEARING:** July 1, 1959, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 111302 (Sub No. 20), filed May 4, 1959. Applicant: HIGHWAY TRANSPORT, INCORPORATED, P.O. Box 5096, Knoxville 18, Tenn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Knoxville, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia, and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**HEARING:** July 1, 1959, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Isadore Freidson.

No. MC 112020 (Sub No. 62) (CORRECTION), filed March 12, 1959, published in the May 6, 1959 issue of the FEDERAL REGISTER. Applicant: COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives*, in bulk, in specialized equipment, from New Orleans, La., and points in Texas, except Texas City, North Seadrift, and Youens, Tex., and except points in Harris, Jefferson, Brazoria, and Nueces Counties, Tex., to points in Alabama, except Fox, Ala., Arizona, California, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia,

Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

**HEARING:** Remains as assigned July 28, 1959, at the Baker Hotel, Dallas, Tex., before Examiner Leo W. Cunningham.

No. MC 112223 (Sub No. 45), filed April 30, 1959. Applicant: QUICKIE TRANSPORT COMPANY, 1121 South Seventh Street, Minneapolis 4, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* both liquid and dry, from points in Minnesota to points in the Upper Peninsula of Michigan, Wisconsin, Iowa, North Dakota, South Dakota, Minnesota, including Ports of entry on the International Boundary line between the United States and Canada located in Minnesota and North Dakota, and *empty containers* or *other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Iowa, Michigan, Minnesota, North Dakota, and Wisconsin.

**HEARING:** June 8, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner A. Lane Cricher.

No. MC 112668 (Sub No. 19) (REPUBLICATION), filed October 15, 1958, published issue of FEDERAL REGISTER of March 25, 1959. Applicant: HARVEY R. SHIPLEY & SONS, INC., Finksburg, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. By application filed October 15, 1958, applicant sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and ground stone*, in bulk, in dump vehicles, from Marriottsville, Md., to points in Delaware, New Jersey, Virginia, and the District of Columbia, also points in specified counties in New York and a designated area in West Virginia, subject to certain restrictions. Hearing was held on April 28, 1959, at Washington, D.C. At the hearing it was developed that through inadvertence the application failed to include points in Pennsylvania as part of the destination territory. However, notice of the filing of the application was served on the Public Service Commission of Pennsylvania, and the shipper's verified statement in support of the handling of the application without oral hearing, which accompanied the application as originally filed, shows a need for service to points in Pennsylvania. Under the circumstances, the Examiner permitted an amendment to include service to points in Pennsylvania. The issuance of a Certificate will be withheld until after the lapse of thirty (30) days from the date of this republication in the FEDERAL REGISTER, during which time any person or persons who may have been prejudiced by the allowance of the amendment may file an appropriate petition for further hearing.

No. MC 112750 (Sub No. 40), filed May 5, 1959. Applicant: ARMORED CARRIER CORPORATION, De Bevoise Building, 222-17 Northern Boulevard, Bayside, Long Island, N.Y. Applicant's attorney: James K. Knudson, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coin, currency, bullion, and negotiable securities) as are used in the business of banks and banking institutions, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, between Chicago, Ill., on the one hand, and, on the other, points in Indiana, on and north of U.S. Highway 40. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

HEARING: July 3, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 21.

No. MC 113533 (Sub No. 18), filed March 18, 1959. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 8901 Tonnelie Avenue, North Bergen, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Camden, Gloucester, Cumberland, and Salem Counties, N.J., Baltimore, Md., and Philadelphia, Pa., to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, North Dakota, South Dakota, Oklahoma, Arkansas, Texas, and Louisiana. Applicant is authorized to conduct operations in New York, Ohio, Michigan, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Jersey, New Hampshire, Indiana, and Illinois.

HEARING: June 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold W. Angle.

No. MC 114227 (Sub No. 7), filed May 4, 1959. Applicant: ALBERT MEEUSEN AND CLIFFORD RUSSELL, a partnership, doing business as A & C CARRIERS, 2955 East Laketon Avenue, Muskegon, Mich. Applicants' attorney: James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphaltum products*, in bulk, in tank vehicles, from Hammond, Ind., to points in that part of the Lower Peninsula of Michigan, bounded on the west by Lake Michigan, on the north starting at Ludington, thence east on U.S. Highway 10 to the intersection with Michigan Highway 47 west of Saginaw, thence on the east by Michigan Highway

47 to Ingaham County line, and then bounded by the eastern boundaries of Ingaham, Jackson and Hillsdale Counties to the Ohio-Michigan State line, thence west along the Ohio-Michigan State line, and the Indiana-Michigan State line to Lake Michigan. Applicant is authorized to conduct operations in Indiana, Michigan, and North Carolina.

HEARING: June 24, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 114533 (Sub No. 8) (REPUBLICATION), filed February 17, 1959, published issue of March 25, 1959. Applicant: BANKER'S DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, commercial papers, documents and written instruments* (except coins, currency, and negotiable securities), as are used in the conduct and operation of banks and banking institutions, (1) between Kansas City and St. Joseph, Mo., on the one hand, and, on the other, points in Otoe, Cass, Sarpy, Douglas, Lancaster, Johnson, and Nemaha Counties, Nebr., and points in Kansas. (2) Between Omaha, Nebr., on the one hand, and, on the other, points in Woodbury, Monona, Harrison, Pottawattamie, Shelby, Audubon, Guthrie, Adair, Dallas, Madison, Warren, and Polk Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: Reassigned July 7, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 114533 (Sub No. 11) (REPUBLICATION), filed April 13, 1959, published issue of May 6, 1959. Applicant: BANKER'S DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coins, currency and negotiable securities), as are used in the conduct and operation of banks and banking institutions, between St. Joseph, Mo., on the one hand, and, on the other, points in (1) Richardson, Pawnee, Gage, Jefferson, Thayer, Saline, Seward, Saunders, Butler, Dodge, Washington, Rock, Furnas, Hitchcock, Clay, Franklin, Fillmore, Hall, Nuckolls, Adams, Redwillow, Webster, and Harlan Counties, Nebr., and (2) Fremont, Page, Montgomery, Mills, Pottawattamie, Taylor, Union, and Ringgold Counties, Iowa. Applicant is authorized to conduct similar operations in Illinois, Indiana, Michigan, Wisconsin, and Ohio.

HEARING: Remains as assigned July 7, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 114608 (Sub No. 1), filed May 6, 1959. Applicant: FURNITURE CAPITAL TRUCK LINES INC., 1621 Century Avenue Southwest, Grand Rapids, Mich. Applicant's attorney: Wilhelmina

Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric ranges and parts thereof*, from Delaware, Ohio to Grand Rapids, Mich., and *refused, rejected or damaged shipments*, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

NOTE: Applicant states a continuing contract with Kelvinator Division, American Motors Corporation.

HEARING: June 24, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 115276 (Sub No. 2) filed April 27, 1959. Applicant: CHARLES O. INGMIRE, INCORPORATED, 54 East Fourth, Emporium, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main lines, between points in Virginia and New York.

HEARING: June 30, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 115491 (Sub No. 15), filed April 17, 1959. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 East Davidson Street, P.O. Box 216, Bartow, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and supplements used therefor*, from points in Polk County, Fla., to points in Georgia on and north of U.S. Highway 80. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Carolina, Ohio, South Carolina, and Wisconsin.

HEARING: June 17, 1959, at the U.S. Court Rooms, Tampa, Fla., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 115523 (Sub No. 46), filed May 4, 1959. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City 10, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizers, fertilizer ingredients, and fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizers, fertilizer ingredients, and fertilizer compounds used in the manufacture of commercial fertilizers*, in bulk and



in bags, from Don, and Georgetown, Idaho, and points within 10 miles of each to points in Nevada. (2) *Dry fertilizers, fertilizer ingredients, and fertilizer compounds used in the manufacture of commercial fertilizers*, in bulk, from Geneva, Garfield, and Salt Lake City, Utah, and points within 10 miles of each, to points in Nevada, and *contaminated or rejected shipments*, of the above-described commodities in items (1) and (2) above, on return. Applicant is authorized to conduct operations in Arizona, Idaho, Nevada, Oregon, and Utah.

**HEARING:** June 25, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 275.

No. MC 115523 (Sub No. 48), filed May 4, 1959. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City 10, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magnesium chloride solutions*, in bulk, in tank vehicles, from points in Toole and Salt Lake City Counties, Utah, to points in Nevada. (2) *Dry coal tar products* (except fertilizers), in bulk, from Geneva, Utah, and points within 10 miles thereof, to points in Nevada, and *contaminated or rejected shipments*, of the above-described commodities in items (1) and (2) above, on return. Applicant is authorized to conduct operations in Arizona, Idaho, Nevada, Oregon, and Utah.

**HEARING:** June 25, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 241.

No. MC 115577 (Sub No. 2), filed April 6, 1959. Applicant: SCHWERTMAN TRUCKING CO. OF ILL., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined in *Description of Motor Carriers Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plant site of the Standard Oil Company of Indiana located in or near Elk Grove, Ill., to all points in Wisconsin. Applicant is authorized to conduct operations in Illinois and Wisconsin.

**HEARING:** June 29, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 115809 (Sub No. 1), filed May 7, 1959. Applicant: OCO TRANSPORTATION COMPANY, a corporation, Industrial Street, Rittman, Ohio. Applicant's attorney: Francis W. McInerney, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Paperboard and paperboard products*, from Lancaster, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, Ohio, West Virginia, and the District of Columbia; (b) *waste paper and machinery, materials and supplies* used in the manufacture of the commodities described in (a) above, from points in

New York, New Jersey, Delaware, Maryland, Virginia, Ohio, West Virginia, and the District of Columbia, to Lancaster, Pa.; and (c) *skids, pallets and containers* used in the transportation of the commodities named in (a) and (b) above, on return. Applicant is authorized to conduct operations in Ohio, Delaware, Kentucky, Tennessee, Virginia, Wisconsin, the District of Columbia, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, Pennsylvania, West Virginia, New York, Connecticut, Massachusetts, and Rhode Island.

**NOTE:** Applicant states the service proposed will be restricted to transportation to be performed under a continuing contract or contracts with The Ohio Boxboard Company, or its affiliated or successor companies.

**HEARING:** June 19, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 116077 (Sub No. 61) (REPUBLICATION), filed December 18, 1958, published issue of January 7, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, P.O. Box 858 (Brown Building), Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Clay, clay slurry and clay products* (except dry fullers earth), in bulk, in specialized equipment, from points in Twiggs, Wilkinson, Washington, and Decatur Counties, Ga., to points in Alabama, Florida, Tennessee, North Carolina, South Carolina, Virginia, and Maryland. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Mississippi, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Kansas, Missouri, Illinois, Tennessee, Arizona, California, Colorado, Indiana, Iowa, Kentucky, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, Wisconsin, Georgia, Florida, Ohio, South Dakota, North Dakota, Montana, Wyoming, Colorado, and Utah.

**HEARING:** June 10, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Mack Myers.

**NOTE:** Application originally filed under No Hearing.

No. MC 116387 (Sub No. 28), filed May 4, 1959. Applicant: ALABAMA TANK LINES, INC., P.O. Box 36, Powderly Station, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, except liquid caustic soda, in bulk, in tank and hopper vehicles, from McIntosh, Ala., except from the plant site of Geigy Chemical Corp., to points in Louisiana and Mississippi; and *empty containers or other such incidental facilities* used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Alabama, Mississippi, Tennessee, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina, Arkansas, Ohio, Illinois, Indiana, Missouri, Oklahoma, Texas, and Virginia.

**HEARING:** June 26, 1959, at the Federal Office Building, 600 South Street,

New Orleans, La., before Joint Board No. 165.

No. MC 116698 (Sub No. 3), filed March 30, 1959. Applicant: BABCOCK & LEE FREIGHT LINES, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in truck load lots including *chromium ingots, property of unusual value, commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives, and household goods as defined by the Commission, between Absarokee, Mont., and Nye, Mont.: (1) from Absarokee over unnumbered highway, via Fishtail and Dean, to Nye and (2) from Absarokee over unnumbered highway, via Beehive, to Nye, and return over the same routes, serving the intermediate points of Fishtail, Dean, and Beehive, Mont. Applicant is authorized to conduct operations in Montana.

**NOTE:** Applicant states management of applicant is same as management of Babcock & Lee Petroleum Transporters, Inc., MC 115830, and Babcock & Lee Transportation, Inc., MC 115931; therefore, common control may be involved.

**HEARING:** July 6, 1959, at the Commercial Club, Billings, Mont., before Joint Board No. 82.

No. MC 117344 (Sub No. 17) (REPUBLICATION), filed March 9, 1959, published issue of April 29, 1959. Applicant: THE MAXWELL CO., a corporation, 2200 Glendale-Milford Road, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, from points in Butler County, Ohio to Cincinnati, Ohio, and points in Kentucky, from Cincinnati, Ohio, to points in Butler County, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Michigan, Massachusetts, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

**NOTE:** Dual operations may be involved.

**HEARING:** Remains as assigned June 11, 1959, at the New Post Office Building, Columbia, Ohio, before Joint Board No. 37.

No. MC 117425 (Sub No. 7), filed May 8, 1959. Applicant: FEDERAL TRUCKING COMPANY, Denton Road, Federalsburg, Md. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York 13, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boyertown, Pa., and Goldsboro, Md., to points in Arizona, California, New Mexico, Oklahoma, and Texas, and *returned or rejected shipments* of frozen foods, and *containers*, on return.



**HEARING:** June 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 117475 (Sub No. 5), filed May 4, 1959. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 502, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and petroleum products, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Marshall, Minn., and points within 10 miles thereof to points in South Dakota. Applicant is authorized to conduct operations in Iowa, Minnesota, and Nebraska.

**HEARING:** June 24, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 26.

No. MC 117850 (Sub No. 3), filed April 10, 1959. Applicant: J. B. KENNEDY, Route No. 3, Brookfield, Mo. Applicant's attorney: Fred A. Lambert, 802A East Broadway, Columbia, Mo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Salt*, from Hutchinson, Kans., and points within five (5) miles thereof, to points in Missouri north of the Missouri River, except Kansas City and St. Joseph Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting salt, on return.

**HEARING:** July 15, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 36.

No. MC 118546, filed January 12, 1959. Applicant: E. KYLE ALTIZER, 11005 Northeast Fargo Street, Portland 20, Ore. Applicant's attorney: John M. Hickson, Failing Building, Portland, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used house trailers*, in initial and secondary movements, in truckaway service, from points in Canyon, Boise, and Payette Counties, Idaho, to points in Oregon and Washington; and between points in Oregon and Washington on the one hand, and, on the other, points in Canyon, Ada, and Payette Counties, Idaho.

**HEARING:** July 6, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Ore., before Joint Board No. 81.

No. MC 118597 (Sub No. 1), filed March 2, 1959. Applicant: ORIS H. MALLER, doing business as MALLER BROS., Route 1, Box 161B, Banks, Ore. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles and piling*, from Vadis and North Plains, Ore., to points in Washington.

**HEARING:** July 8, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Ore., before Joint Board No. 45.

No. MC 118612 (Sub No. 2), filed May 4, 1959. Applicant: TERRA COTTA TRUCK SERVICE, INC., Terra Cotta

Road, Crystal Lake, Ill. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, such as gravel, limestone, sand and slag, as follows: (1) *slag*, in bulk, from Gary, Ind., to points in Boone, Cook, Du Page, Kane, Lake and McHenry Counties, Ill., and points in Kenosha, Milwaukee, Racine, Walworth, and Waukesha Counties, Wis.; (2) *gravel, limestone, and sand*, from points in Racine and Waukesha Counties, Wis., to points in Boone Du Page, Kane, Lake, and McHenry Counties, Ill.; and (3) *gravel and sand*, from South Beloit, Wis., to points in Rock County, Wis.

**HEARING:** June 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 118660, filed December 18, 1958. Applicant: DON GREENE, doing business as DON GREENE TRUCKING COMPANY, Box 77, Prago, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from Brandon, Ore., to Centralia and Markham, Wash.

**NOTE:** The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

**HEARING:** July 8, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Ore., before Joint Board No. 45.

No. MC 118693 (Sub No. 1), filed April 27, 1959. Applicant: RUDEENS, INC., Star Route, Pocatello, Idaho. Applicant's attorney: Robert E. Bakes, Twin Falls Bank & Trust Building, Twin Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk and in containers, from Baker, Ore., and points within 15 miles thereof, to points in Bannock, Power, Bonneville, Bingham, Caribou, and Bear Lake Counties, Idaho; and *exempt agricultural commodities*, on return.

**HEARING:** June 29, 1959, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 6.

No. MC 118777, filed March 11, 1959. Applicant: I. W. DUREN, doing business as I. W. DUREN LEASE TRUCKS, 415 Avenue "F", Port St. Joe, Fla. Applicant's attorney: Cecil G. Costin, Jr., 221 Reid Avenue, Port St. Joe, Fla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes and mill supplies*, from Port St. Joe, Fla., to points in Georgia, Alabama, Louisiana, Mississippi, and South Carolina, and *chemicals, starch, rope and other mill supplies* incidental to the transportation of corrugated boxes, from points in the above-specified destination states to Port St. Joe, Fla. The application is accompanied by a Motion to Dismiss on

the ground that a bona fide private carriage is being performed by St. Joe Paper Company through a lease truck rental agreement with I. W. Duren.

**HEARING:** June 19, 1959, at the Mayflower Hotel, Jacksonville, Fla., before Examiner Richard H. Roberts.

No. MC 118792, filed March 16, 1959. Applicant: ALF P. OLSON, 115 Whittier, Idaho Falls, Idaho. Applicant's attorney: Blaine S. Butler, Idaho First National Bank Building, Idaho Falls, Idaho. Authority sought to operate as a *contract carrier*, by motor vehicle, over a regular route, transporting: *Barley*, pearled, skimmings, malthouse; *bran*; *feed*, gluten, grain; *flour*, grain, malt; *grain*, roasted, whole, crushed, granulated or ground; *grains*, spent, dried or wet; *grits*, bakers', brewers', corn; *groats*; *hominy*; *hulls*; barley, buckwheat, or oat; *malt*; *meal*, corn, gluten; *middlings*; *out clippings*; *screenings*; *shorts*; *skimmings*; *sprouts*, malt; *salt*; *bags and sacks*; *milling machinery*, and parts thereof; *feed*, animal poultry, prepared, containing grain, animal products, calcium carbonate, fish meal, or milk ingredients; *beet pulp*; *malt*, crushed barley; *meal*, alfalfa, clover, lespedeza, peanut vine, soya bean, sorghum, velvet bean, or chopped alfalfa, *meal*, pimiento; and *peanut hulls*, ground between Idaho Falls, Idaho, and Salt Lake City, Utah, from the plant site of Midland Elevators in Idaho Falls, south over U.S. Highway 191 to junction U.S. Highway 30S, thence south of U.S. Highway 30S to junction Utah Highway 83, thence south over Utah Highway 83 to junction U.S. Highway 91, thence south over U.S. Highway 91 to Salt Lake City, and to the plant site of Salt Lake Flour Mills in Salt Lake City, and return over the same route, serving no-intermediate points.

**HEARING:** June 29, 1959, at the Idaho Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 258.

No. MC 118804 (Sub No. 1), filed April 20, 1959. Applicant: HERMAN GREGG AND WALLACE PAGE, doing business as GREGG & PAGE TRUCK SERVICE, Blackduck, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Superphosphate*, in bulk, from Humbolt, Iowa, to Fergus Falls, Minn., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

**HEARING:** June 23, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 146.

No. MC 118830, filed March 27, 1959. Applicant: M. G. HAUENSTEIN, Route 4, Box 446, Mount Vernon, Wash. Applicant's attorney: James T. Johnson, 1111 Northern Life Tower, Seattle 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Ports of Entry on the boundary between the United States and Canada at or near Blaine, Lynden, and Sumas, Wash., to points in Whatcom, Skagit, Snohomish, King, Pierce, and Thurston Counties, Wash.

**HEARING:** July 9, 1959, at the Federal Office Building, First and Marion Streets, Seattle, Wash., before Joint Board No. 237.

No. MC 118834, filed March 30, 1959. Applicant: GILES C. PARMAN, doing business as INTERIOR MOTOR FREIGHT, P.O. Box 326, Maupin, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except petroleum products, in bulk, in tank vehicles, between The Dalles, Oreg., and Bend, Oreg., from The Dalles over U.S. Highway 30 to the junction of U.S. Highway 197, thence over U.S. Highway 97, thence over U.S. Highway 97 to Bend (also from Madras over U.S. Highway 26 to Prineville, thence over U.S. Highway 126 to Redmond), and return over the same routes, serving all intermediate points, and the intermediate or off-route points of Boyd, Friend, Wapinitia, Wapinitia Junction, Wamic, Metolius, Terrebone, Powell Butte, Dufur, Tygh Valley, Maupin, and all intermediate or off-route points within one (1) mile of the above specified highways within three (3) miles of all towns served on such highways.

**HEARING:** July 1, 1959, on Ground Floor, Pittock Block, 410 Southwest 10th Street, Portland, Oreg., before Joint Board No. 172.

No. MC 118839 (Sub No. 1), filed April 8, 1959. Applicant: GEORGE LONG AND DENNIS LONG, doing business as GEORGE LONG & SON, Lone Rock, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bulk and in bags, from the plant site of Virginia-Carolina Chemical Corporation near Estherville, Iowa, to points in Minnesota on and west of U.S. Highway 65 and on and south of U.S. Highway 52, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

**HEARING:** July 9, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 118850, filed April 3, 1959. Applicant: WAYNE LYONS, 1107 South Fourth, Dayton, Wash. Applicant's attorney: Keith O. Yates, 238 East Main Street, Dayton, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, and *empty containers or other such incidental facilities* used in transporting lumber, between points in Columbia and Walla Walla Counties, Wash., and points in Umatilla County, Oreg.

**HEARING:** June 26, 1959, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 45.

No. MC 118902, filed April 27, 1959. Applicant: GARWIN TRUCK LINES, INC., Garwin, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common*

*carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to State Center, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages on return.

**HEARING:** July 8, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 54.

No. MC 118903, filed April 27, 1959. Applicant: PIONEER SAND & GRAVEL CO., INC., South Wisconsin Avenue Extended, Rice Lake, Wis. Applicant's attorney: William A. Cameron, Rice Lake, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, in tank vehicles, from Duluth, Minn., to points in Douglas, Bayfield, Ashland, Sawyer, Washburn, Dunn, Burnett, Polk, Barron, Rusk, Chippewa, and St. Croix Counties, Wis.; and (2) *Light-weight concrete aggregate*, in bulk, in tank vehicles, from Hamel and Minneapolis, Minn., to points in Douglas, Bayfield, Ashland, Sawyer, Washburn, Dunn, Burnett, Polk, Barron, Rusk, Chippewa, and St. Croix Counties, Wis.

**HEARING:** June 23, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 118911, filed April 30, 1959. Applicant: ST. LOUIS SOLVENTS AND CHEMICAL COMPANY, a corporation, 7882 Folk Avenue, St. Louis 17, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dodecylbenzene* and *Tridecylbenzene*, in bulk, in tank vehicles, from Monsanto, Ill., and St. Louis, Mo., to the plant site of the Colgate-Palmolive Company in Kansas City, Kans.

**HEARING:** July 10, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 195.

No. MC 118924, filed May 6, 1959. Applicant: BALL MOTOR SERVICE, INC., 227 East Detroit Street, Milwaukee, Wis. Applicant's attorney: George D. Young, 935 Empire Building, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and processed meat*, for Godfrey Company of Milwaukee, Wis., from Cedar Rapids, Waterloo, Dubuque, and Mason City, Iowa, to points in that part of Wisconsin beginning at the southeast corner of Wisconsin, thence northerly along the west shore of Lake Michigan to the northern terminus of Wisconsin Highway 42 in Door County, thence southerly along the west shore of Green Bay to Green Bay, thence southwesterly along U.S. Highway 41 to Oshkosh, thence westerly along Wisconsin Highway 21 to Sparta, thence southwesterly along U.S. Highway 16 to La Crosse, thence in a southerly direction along the east bank of the Mississippi River to the southwest corner of Wisconsin, and thence easterly along the southern boundary of Wisconsin to the place of beginning, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

**HEARING:** June 22, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 202.

No. MC 118925, filed May 7, 1959. Applicant: CHARLES A. WOODSON, JR., 2000 West Broad Street, Richmond, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, and *refused and damaged shipments* thereof, in bulk, in tank vehicles, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in South Carolina and Georgia.

**HEARING:** June 23, 1959, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 130.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub No. 25), filed February 12, 1959. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) Between Mahwah, N.J., and Ridgewood, N.J., from junction New Jersey Highway 17 and U.S. Highway 202 in Mahwah over U.S. Highway 202 to junction Belmont Avenue in Oakland, N.J., thence over Belmont Avenue to the Borough of Oakland-Borough of Franklin Lakes boundary line, thence continuing over Franklin Avenue to the Wyckoff Township-Borough of Faldwick boundary line, thence continuing over Wyckoff Avenue in Waldwick, N.J., to junction North Franklin Turnpike, thence over North Franklin Turnpike (which becomes East Franklin Turnpike at Sheridan Avenue in Hohokus, N.J.) to East Franklin Turnpike in Hohokus, N.J., thence continuing over East Franklin Turnpike to the Borough of Hohokus-Village of Ridgewood boundary line, thence continuing over Franklin Turnpike to junction New Jersey Highway 17 in Ridgewood, N.J., and return over the same route, serving all intermediate points. (2) Between points in Waldwick, N.J., as follows: from junction Wyckoff Avenue and North Franklin Turnpike in Waldwick, over North Franklin Turnpike to junction East Prospect Avenue, thence over East Prospect Avenue to junction New Jersey Highway 17 in Waldwick, and return over the same route, serving all intermediate points. (3) Between points in Oakland, N.J., as follows: from junction U.S. Highway 202 and Belmont Avenue in Oakland over U.S. Highway 202 to junction West Oakland Avenue, thence over West Oakland Avenue to a point which is 100 feet from the intersection of West Oakland Avenue and U.S. Highway 202, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

**HEARING:** June 24, 1959, at the Municipal Building, Route 202, Ramapo Road, Oakland, N.J., before Joint Board No. 119.

No. MC 228 (Sub No. 26), filed March 9, 1959. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Ramsey, N.J., and Paramus, N.J.: from junction New Jersey Highway 17 and North Franklin Turnpike in Ramsey, over North Franklin Turnpike to South Franklin Turnpike, thence over South Franklin Turnpike to the Borough of Ramsey-Borough of Allendale boundary line, thence continuing over Franklin Turnpike in Allendale to the Borough of Allendale-Borough of Waldwick boundary line, thence continuing over North Franklin Turnpike in Waldwick to the Borough of Waldwick-Borough of Hohokus boundary line, thence continuing over North Franklin Turnpike in Hohokus, to East Franklin Turnpike, thence continuing over East Franklin Turnpike to the Borough of Hohokus-Village of Ridgewood boundary line, thence continuing over East Franklin Turnpike in Ridgewood to its junction with New Jersey Highway 17, thence over New Jersey Highway 17 to junction with Paramus Road, thence over Paramus Road to junction with access road to New Jersey Highway 4 in Paramus, thence over access road to New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 17 ramp (which ramp is used by vehicles desiring to travel south on New Jersey Highway 17), thence over New Jersey Highway 17 ramp to New Jersey Highway 17 in Paramus, thence returning from junction New Jersey Highway 17 and New Jersey Highway 4 ramp (which ramp is used by vehicles traveling north on New Jersey Highway 17 and desiring to go west on New Jersey Highway 4) in Paramus, N.J., over New Jersey Highway 4 ramp to New Jersey Highway 4, thence over New Jersey Highway 4 to junction with access road to Paramus Road in Paramus, thence over access road to Paramus Road, thence continuing from said point in Paramus to junction North Franklin Turnpike and New Jersey Highway 17 in Ramsey, over the before-described route between said points, serving all intermediate points. **RESTRICTION:** No passenger whose trip ends or begins in New York City shall be picked up or discharged along the above-described route by vehicles operating via the George Washington Bridge. (2) Between Allendale, N.J., and Paramus, N.J.: from junction Franklin Turnpike and West Crescent Avenue in Allendale, over West Crescent Avenue, to the Borough of Allendale-Borough of Waldwick boundary line, thence over Crescent Avenue in Waldwick to the Borough of Waldwick-Borough of Midland Park-Township of Wyckoff boundary line, thence over Prospect Street in Midland Park to junction with Godwin Avenue, thence over Godwin Avenue to junction with Ackerman Avenue in Ridgewood, thence over Ackerman Avenue to junction with Prospect Street in Glen Rock,

thence over Prospect Street to the Borough of Glen Rock-Borough of Fair Lawn boundary line, thence over Saddle River Road in Fair Lawn to junction with New Jersey Highway 4, thence over New Jersey Highway 4 to junction with New Jersey Highway 17 ramp (which ramp is used by vehicles desiring to travel south on New Jersey Highway 17) in Paramus, thence over New Jersey Highway 17 ramp to New Jersey Highway 17 in Paramus, thence returning from junction New Jersey Highway 17 and New Jersey Highway 4 ramp (which ramp is used by vehicles traveling north on New Jersey Highway 17 and desiring to go west on New Jersey Highway 4) in Paramus, over New Jersey Highway 4 ramp to New Jersey Highway 4, thence over New Jersey Highway 4 to junction with Saddle River Road in Fair Lawn, thence continuing from junction New Jersey Highway 4 and Saddle River Road in Fair Lawn to junction West Crescent Avenue and Franklin Turnpike in Allendale, over the before-described route between said points, serving all intermediate points. **RESTRICTION:** No passenger whose trip ends or begins in New York City shall be picked up or discharged along the above-described route by vehicles operating via the George Washington Bridge. Applicant is authorized to conduct operations in New York and New Jersey.

**NOTE:** Applicant also manages and controls West Fordham Transportation Corp., MC 116921, and Limousine Rental Service, Inc., MC 115456; therefore, common control may be involved.

**HEARING:** June 24, 1959, at the Municipal Building, Route 202, Ramapo Road, Oakland, N.J., before Joint Board No. 119.

No. MC 668 (Sub No. 63), filed March 5, 1959. Applicant: INTER-CITY TRANSPORTATION CO., INC., 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *I. Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (A) Between Mahwah, N.J., and New York, N.Y., from junction New Jersey Highway 17 and U.S. Highway 202 in Mahwah, over U.S. Highway 202 to junction Belmont Avenue in Oakland; thence over Belmont Avenue to junction Franklin Avenue in Franklin Lakes; thence over Franklin Avenue to the junction of Wyckoff Avenue in Wyckoff; thence over Wyckoff Avenue to junction North Franklin Turnpike in Waldwick; thence over North Franklin Turnpike until it becomes East Franklin Turnpike in Hohokus; thence over East Franklin Turnpike to the junction of New Jersey Highway 17 in Ridgewood; thence over New Jersey Highway 17 to junction Paterson Plank Road in East Rutherford; thence over Paterson Plank Road to junction Washington Avenue and New Jersey Highway 20 at the East Rutherford-Carlstadt municipal line; thence over New Jersey Highway 20 to junction New Jersey Highway 3; thence over New Jersey Highway 3 through the Lin-

coln Tunnel to New York, and return over the same routes, serving the intermediate points of Ridgewood, Hohokus, Waldwick, Wyckoff, Franklin Lakes, and Oakland, N.J. (B) Alternate route beginning and ending in Oakland, N.J., from the junction of U.S. Highway 202 and Belmont Avenue in Oakland, over U.S. Highway 202 to junction West Oakland Avenue; thence over West Oakland Avenue to a point which is 100 feet from the intersection of West Oakland Avenue and U.S. Highway 202, and return over the same routes, serving no intermediate points. (C) Alternate route between Waldwick and Ridgewood, N.J., from the junction of Wyckoff Avenue and North Franklin Turnpike to the junction of East Prospect Avenue; thence over East Prospect Avenue to the junction of New Jersey Highway 17; thence over New Jersey Highway 17 to the junction of East Franklin Turnpike, and return over the same routes, serving no intermediate points. **II. Passengers and their baggage**, and *express and newspapers* in the same vehicle with passengers, Between Mahwah, N.J., and Midland Park, N.J., serving all intermediate points, from Mahwah and the junction of New Jersey Highway 17 and U.S. Highway 202 over the routes described in I(A) above, including the alternate route in I(B) to the junction of Franklin Avenue in Franklin Lakes; thence over Franklin Avenue to the junction of Godwin Avenue in Wyckoff; thence over Godwin Avenue to junction Paterson Avenue and Godwin Avenue in Midland Park, and return over the same routes, serving all intermediate points. **III.** Amend that portion of applicant's existing authority in MC 668 (Sub No. 46) which now reads: "*Passengers and their baggage*, in the same vehicle with passengers, between junction Passaic Street and New Jersey Highway 17, Rochelle Park, N.J., and junction New Jersey Highway 17 and Paterson Plank Road, East Rutherford, N.J., serving no intermediate points; from junction Passaic Street and New Jersey Highway 17 over New Jersey Highway 17 to junction Paterson Plank Road, and return over the same route. **RESTRICTION:** Operation over the above-specified route shall be limited to the transportation of passengers originating at, or destined to points on carrier's route west and north of the intersection of Passaic Street and New Jersey Highway 17 (in Rochelle Park, N.J.) as follows: (1) Those on Saddle River Road and New Jersey Highway 208, in Fairlawn, N.J., (2) those in Glen Rock and Midland Park, N.J., and (3) those in that portion of Ridgewood, N.J., west of Hope Street and North Maple Avenue, not including North Maple Avenue. *Passengers*, Between junction south Maple Avenue and Rock Road, in Glen Rock, N.J.; and junction New Jersey Highways 208 and 4, in Fairlawn, N.J., serving all intermediate points: from junction South Maple Avenue and Rock Road in Glen Rock over South Maple Avenue to junction New Jersey Highway 208 access road, thence over New Jersey Highway 208 access road, to junction New Jersey Highway 208, and thence

over New Jersey Highway 208 to junction New Jersey Highway 4, in Fairlawn and return over the same route. The authority herein authorized to the extent it duplicates any heretofore granted to said carrier shall not be construed as conferring more than one operating right.", to read: **REGULAR ROUTES: Passengers and their baggage**, in the same vehicle with passengers, between junction Passaic Street and New Jersey Highway 17, Rochelle Park, N.J., and junction New Jersey Highway 17 and Paterson Plank Road, East Rutherford, N.J., serving no intermediate points: from junction Passaic Street and New Jersey Highway 17 over New Jersey Highway 17 to junction Paterson Plank Road, and return over the same route, serving no intermediate points. **RESTRICTION:** Operation over the above-specified route shall be limited to the transportation of passengers originating at, or destined to points on carrier's route west and north of the intersection of Passaic Street and New Jersey Highway 17 (in Rochelle Park, N.J.) as follows: (1) Those on Saddle River Road and New Jersey Highway 208, in Fairlawn, N.J., (2) those in Glen Rock, Midland Park, Wyckoff, Franklin Lakes, Oakland, and Mahwah, N.J., and (3) those in that portion of Ridgewood, N.J., west of Hope Street and North Maple Avenue, not including North Maple Avenue. **Passengers**, Between junction South Maple Avenue and Rock Road, in Glen Rock, N.J.; and junction New Jersey Highways 208 and 4, in Fairlawn, N.J., serving all intermediate points: from junction South Maple Avenue and Rock Road in Glen Rock over South Maple Avenue to junction New Jersey Highway 208 access road, thence over New Jersey Highway 208, and thence over New Jersey Highway 208 to junction New Jersey Highway 4, in Fairlawn, and return over the same route. The authority herein authorized to the extent it duplicates any heretofore granted to said carrier shall not be construed as conferring more than one operating right.

**HEARING:** July 6, 1959, at the Municipal Building, Route 202, Ramopo Road, Oakland, N.J., before Joint Board No. 3.

No. MC 668 (Sub No. 64), filed March 16, 1959. Applicant: **INTER-CITY TRANSPORTATION CO., INC.**, 730 Madison Avenue, Paterson, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Hohokus, N.J., and New York, N.Y.: from junction Sheridan Avenue and Ardmore Road, Hohokus, over Sheridan Avenue to junction Franklin Turnpike in Hohokus, thence over Franklin Turnpike to junction North Maple Avenue in Ridgewood, thence over North Maple Avenue to junction Franklin Ave., thence over Franklin Avenue to junction East Ridgewood Avenue, thence over East Ridgewood Avenue to junction Paramus Road in Paramus, thence over Paramus Road to junction

Passaic Street in Rochelle Park, thence over Passaic Street to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction Paterson Plank Road in East Rutherford, thence over Paterson Plank Road to junction New Jersey Highway 20 at the boundary of Carlstadt and East Rutherford, thence over New Jersey Highway 20 to New Jersey Highway 3, thence over New Jersey Highway 3, through the Lincoln Tunnel, to New York, and return over the same routes, serving the intermediate points of Ridgewood and Paramus, N.J. Applicant is authorized to conduct operations in New York and New Jersey.

**HEARING:** July 6, 1959, at the Municipal Building, Route 202, Ramopo Road, Oakland, N.J., before Joint Board No. 3.

No. NC 668 (Sub No. 65), filed March 18, 1959. Applicant: **INTER-CITY TRANSPORTATION CO., INC.**, 730 Madison Avenue, Paterson, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Ramsey, N.J., and New York, N.Y.: from junction New Jersey Highway 17 and North Franklin Turnpike in Ramsey, over North Franklin Turnpike until it becomes South Franklin Turnpike, near Lake Street in Ramsey, thence over South Franklin Turnpike through Ramsey and Allendale until it become Franklin Turnpike, near West Crescent Avenue in Allendale, thence over Franklin Turnpike through Allendale and Waldwick until it become North Franklin Turnpike, near East Prospect Avenue in Waldwick and Hohokus until it becomes East Franklin Turnpike near the Hohokus-Ridgewood municipal line, thence over East Franklin Turnpike to junction New Jersey Highway 17 in Ridgewood, thence over New Jersey Highway 17 to junction Paramus Road in Ridgewood, thence over Paramus Road to junction New Jersey Highway 4 access road in Paramus, thence over New Jersey Highway 4 access road to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 17 ramp in Paramus, thence over New Jersey Highway 17 to junction New Jersey Highway 17 in Paramus, thence over New Jersey Highway 17 to junction Paterson Plank Road in East Rutherford, thence over Paterson Plank Road to junction New Jersey Highway 20 at the boundary of Carlstadt and East Rutherford, thence over New Jersey Highway 20 to New Jersey Highway 3, thence over New Jersey Highway 3 through the Lincoln Tunnel to New York, and return over the same routes using the access ramp or road provided at the junctions of New Jersey Highways 17 and 4 and New Jersey Highway 4 and Paramus Road in Paramus, serving the intermediate points of Allendale, Waldwick, Hohokus, Ridgewood, and Paramus, N.J.; and (2) between Allendale, N.J., and New York, N.Y.: from junction Franklin Turnpike and West Crescent Avenue in Allendale, over West Crescent Avenue through Allendale until it become Cres-

cent Avenue near the Allentown-Waldwick, N.J. boundary line, thence over Crescent Avenue through Waldwick until it becomes Prospect Street near the Waldwick-Midland Park boundary line, thence over Prospect Street through Midland Park to junction Godwin Avenue in Midland Park, thence over Godwin Avenue to junction Ackerman Avenue in Ridgewood, thence over Ackerman Avenue to junction Prospect Street in Glen Rock, thence over Prospect Street until it becomes Saddle River Road in Fairlawn, thence over Saddle River Road to junction New Jersey Highway 4 in Fairlawn, thence over New Jersey Highway 4 to junction New Jersey Highway 17 ramp in Paramus, thence over New Jersey Highway 17 ramp to junction New Jersey Highway 17 in Paramus, thence over New Jersey Highway 17 to junction Paterson Plank Road in East Rutherford, thence over Paterson Plank Road to junction New Jersey Highway 20 at the boundary of Carlstadt and East Rutherford, thence over Paterson Plank Highway 20 to New Jersey Highway 3, thence over New Jersey Highway 3 through the Lincoln Tunnel to New York, and return over the same routes, using New Jersey Highway 17 ramp at the junction of New Jersey Highways 17 and 4 in Paramus, serving the intermediate points of Waldwick, Wyckoff, Midland Park, Ridgewood, Glen Rock, Fairlawn, and Paramus, N.J. Applicant is authorized to conduct operations in New York and New Jersey.

**HEARING:** July 6, 1959, at the Municipal Building, Route 202, Ramopo Road, Oakland, N.J., before Joint Board No. 3.

No. MC 1940 (Sub No. 34), filed May 8, 1959. Applicant: **TRAILWAYS OF NEW ENGLAND, INC.**, 400 Trailways Building, 1200 Eye Street NW., Washington, D.C. Applicant's attorney: William A. Roberts, Continental Building, 14th at K NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and mail* in the same vehicle with passengers, between Boston, Mass., and Berlin, N.H., from Boston over city streets and the Mystic River Bridge to Chelsea, thence over the Northeast Expressway to junction Massachusetts Highway C-1 in Revere, thence over Massachusetts Highway C-1 to junction U.S. Highway 1 in Saugus Township, thence over U.S. Highway 1 via Lynnfield Township to junction Interstate Highway 95 in Danvers Township, thence (1) over Interstate Highway 95 via Boxford, Georgetown, Newburyport and Salisbury Townships, all in Massachusetts, or (2) from junction U.S. Highway 1 and Interstate Highway 95 in Danvers Township, Mass., over U.S. Highway 1 through Newburyport and Salisbury to junction of U.S. Highway 1 and unnumbered highway in Salisbury, thence over unnumbered highway to junction with Interstate Highway 95, thence over Interstate Highway 95 to the Massachusetts-New Hampshire State line, thence continue over Interstate Highway 95 via Seabrook, Hampton and Rye Townships,



N.H., to Portsmouth, N.H., thence over city streets to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 via Dover to Rochester, N.H., thence over New Hampshire Highway 11 to junction unnumbered highway near Farmington, N.H., thence (1) over unnumbered highway to Farmington, thence over unnumbered highway to junction New Hampshire Highway 11, or (2) over New Hampshire Highway 11 via New Durham and Alton, N.H., to Alton Bay, N.H., thence over unnumbered highway to junction New Hampshire Highway 28, thence over New Hampshire Highway 28 via East Alton, Wolfeboro, Wolfeboro Falls, and Ossipee, N.H., to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 via Center Ossipee, Ossipee Valley, West Ossipee, Chocoma, Conway, North Conway, Intervale, Glen, Jackson, Gorham, and Cascade, N.H., to Berlin, N.H., and return over the same route, serving all intermediate points, including service at junctions of the route specified below with applicant's otherwise authorized routes in Massachusetts and New Hampshire. Applicant is authorized to conduct operations in Massachusetts and New Hampshire.

**HEARING:** July 13, 1959, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 20.

No. MC 3647 (Sub No. 263), filed April 23, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Frying, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, (1) between Ramsey, N.J., and Ridgewood, N.J., from Municipal Parking Lot and Bus Terminal over Prospect Street, Spruce Street, East Main Street, South Franklin Turnpike, Ramsey; Franklin Turnpike, West Crescent Avenue, Myrtle Avenue, West Allendale Avenue, Franklin Turnpike, Allendale; Warwick; North Franklin Turnpike, Maple Avenue, Hohokus; North Maple Avenue, Franklin Avenue, Oak Street and Van Neste Square to Ridgewood Municipal Bus Terminal, Ridgewood. Return via Dayton Street, Van Neste Square, and thence over the same route. (2) Between Ridgewood, N.J., and Fair Lawn, N.J., (a) from Ridgewood Municipal Bus Terminal over Dayton Street, Van Neste Square, East Ridgewood Avenue, South Maple Avenue, Ridgewood; Maple Avenue, Glen Rock; Maple Avenue to New Jersey Highway 208, Fair Lawn. Return over the same route. (b) From Ridgewood Municipal Bus Terminal over Dayton Street, Prospect Street, Ridgewood; Prospect Street, and Rock Road to Maple Avenue, Glen Rock. Return over Rock Road, Prospect Street, Glen Rock; Prospect Street, East Ridgewood Avenue, and Van Neste Square to the Ridgewood Municipal Bus Terminal, Ridgewood. (3) Between Fair Lawn,

N.J., and Hackensack, N.J., from junction Maple Avenue and New Jersey Highway 208, Fair Lawn, over New Jersey Highway 208 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to Hackensack. Return over the same route. (4) Between Paramus, N.J., and Rutherford, N.J., from junction New Jersey Highways 4 and 17 over New Jersey Highway 17 to junction New Jersey Highway 3. Return over the same route. (5) Between Ringwood, N.J., and Fair Lawn, N.J., from Cupshaw Lake, Ringwood, over Cupshaw Drive and Cupshaw Avenue, Mohawk Trail, Summit Road, Lakeview Avenue, Pleasant Avenue, Erskine Avenue, Skyline Drive, to Oakland, to West Oakland Avenue, Ramapo Valley Road (U.S. Highway 202), Franklin Avenue, Godwin Avenue, Central Avenue, Greenwood Avenue, Central Avenue, Newtown Road, Cedarhill Avenue, Wyckoff Avenue, Lafayette Avenue, Diamond Bridge Avenue, Lincoln Avenue, Harristown Road, New Jersey Highway 208 to Maple Avenue. Return from Maple Avenue over New Jersey Highway 208, Harristown Road, Lincoln Avenue, Glen Rock; Diamond Bridge Avenue, Lafayette Avenue, Hawthorne, and thence over the same route. (6) Within Wyckoff, N.J., from junction Franklin Avenue and Wyckoff Avenue, Wyckoff over Wyckoff Avenue to junction Cedarhill Avenue, Wyckoff. Return over the same route. Serving all intermediate points between Ramsey and Ringwood, N.J., on the one hand, and, on the other, junction Maple Avenue and New Jersey Highway 208 in Fair Lawn, N.J.; and for operating convenience only between junction Maple Avenue and New Jersey Highway 208, Fair Lawn, N.J., and Hackensack or Rutherford, N.J., except for joinder purposes. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

**HEARING:** July 20, 1959, at the Municipal Building, Route 202, Ramapo Road, Oakland, N.J., before Joint Board No. 119.

No. MC 98903 (Sub No. 1), filed February 13, 1959. Applicant: COLORADO MOTORWAY, INC., 1805 Broadway, Denver, Colo. Applicant's attorney: Henry S. Sherman, 2155 First National Bank Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Denver, Colo., and Fort Collins, Colo.: (a) from Denver over U.S. Highway 287 to Fort Collins, and return over the same route, serving all intermediate points; and (b) from Denver over U.S. Highway 87 to junction County Highway 42 approximately 23 miles north of Denver, thence in a westerly direction over County Highway 42, via Erie, Colo., to junction U.S. Highway 287, thence north over U.S. Highway 287 to Fort Collins, and return over the same route, serving all intermediate points.

**NOTE:** Applicant requests that its filing under the second proviso of section 206(a)(1) of the Interstate Commerce Act in MC 98903,

be cancelled conditioned upon the granting of authority requested above.

**HEARING:** June 23, 1959, at the New Customs House, Denver, Colo., before Joint Board No. 126.

#### APPLICATION FOR BROKERAGE LICENSE MOTOR CARRIER OF PROPERTY

No. MC 12679 (Sub No. 1), filed April 8, 1959. Applicant: E. F. BUSHMAN, doing business as SAWYER DRAY LINE, 341 North Third Avenue, Sturgeon Bay, Wis. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. For a license (BMC 4) to engage in operations as a *broker* at Sturgeon Bay, Wis., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *General commodities, including those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, but excluding Class A and B explosives, from points in Wisconsin to points in the United States, including Alaska.

**HEARING:** June 22, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

#### MOTOR CARRIER OF PROPERTY

##### (PRE-HEARING CONFERENCE)

**THE FOLLOWING APPLICATION IS ASSIGNED FOR PRE-HEARING CONFERENCE:** July 1, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner B. E. Stillwell, presiding.

No. MC 117574 (Sub No. 43), filed April 9, 1959. Applicant: DAILY EXPRESS, INC., 65 West North Street, Carlisle, Pa. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles which, because of size, weight or bulk, require the use of special equipment*, (2) *Agricultural implements and machinery, including, but not limited to agricultural implements and machinery as described in Appendix XII, Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (3) *Tractors, tractor attachments, self-propelled machinery or machines* (except truck tractors and automobiles), (4) *Road construction machinery equipment*, road construction machinery and equipment as described in Appendix VIII, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (5) *Excavating, paving and grading equipment and machinery*, (6) *Crushing, mixing, conveying, loading, moving, and driving machinery and equipment* for stone, slag, asphalt, sand, brick, cement, mineral and other materials, (7) *Trailers* (except those designed for use with passenger automobiles and highway freight trailers), *machinery and engines*, (8) *Construction equipment and contractors equipment*, and (9) *Parts, supplies and accessories* for Items (1) through (8) above, between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, the District of Columbia, Pennsylvania, West Virginia, North Carolina,



Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Missouri, Kentucky, and Kansas. Applicant is authorized to conduct operations throughout the United States.

At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their *direct* testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

##### MOTOR CARRIERS OF PROPERTY

No. MC 1658 (Sub No. 44), filed May 4, 1959. Applicant: NORWALK TRUCK LINES INC. OF DELAWARE, 1091 Manheim Pike, Lancaster, Pa. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment, between Elmira, N.Y., and junction Pennsylvania Highway 14 and U.S. Highway 6 (near Troy, Pa.), from Elmira over New York Highway 14 to the New York-Pennsylvania State line, thence over Pennsylvania Highway 14 to junction U.S. Highway 6, near Troy, and return over the same route, serving no intermediate points, but serving junction U.S. Highway 6 and Pennsylvania Highway 14 for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that it requests the above authority in order to be able to tack or join a service route at a point on an operating convenience route. Duplication with present authority to be eliminated.

No. MC 16448 (Sub No. 1), filed December 12, 1958. Applicant: WALLACE

M. RUARK, doing business as RUARK SEAFOOD EXPRESS, South Main Street, Hurlock, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from New York, N.Y., Baltimore, Salisbury, Cambridge, and Trappe, Md., and Philadelphia, Pa., to Norfolk, Newport News, and Portsmouth, Va.

NOTE: The subject application was tendered under section 7 of the Transportation Act of 1958. As it was filed after the statutory date for filing applications under section 7 of that Act, it will be handled as an application for authority under the applicable provisions of Part II of the Interstate Commerce Act.

No. MC 22619 (Sub No. 13), filed May 11, 1959. Applicant: PULLEY FREIGHT LINES, INC., 2410 Hubbell Avenue, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and packing house products*, as defined by the Commission in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, from Des Moines, Iowa, to East Gary and Hobart, Ind. Applicant is authorized to conduct operations in Iowa, Kansas, Missouri, Wisconsin, Nebraska, Minnesota, Illinois, South Dakota, and Indiana.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 22619 (Sub No. 9).

No. MC 6562 (Sub No. 1495), filed May 4, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Main Office: 219 East 42d Street, New York 17, N.Y.; Local Office: 275 East Fourth Street, St. Paul 1, Minn. Applicant's representative: R. R. Tulloch, Superintendent, Railway Express Agency, Incorporated, 104 C Street, P.M. & O. Railway Building, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Fairmount, N. Dak., and Veblen, S. Dak., from Fairmount in a westerly direction over North Dakota Highway 11 to junction U.S. Highway 81 (approximately one-half (½) mile), thence south over U.S. Highway 81 to junction South Dakota Highway 15, thence north over South Dakota Highway 15 to junction Roberts County Highway 6 (approximately five (5) miles), thence west over Roberts County Highway 6 to Veblen (approximately nine (9) miles), and return over the same route, serving the intermediate points of Rosholt, New Effington, and Claire City, S. Dak. RESTRICTIONS: (1) The service to be performed by said applicant shall be limited to that which is auxiliary to, or supplemental of, railway express or air service; and (2) shipments to be transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immedi-

ately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1496), filed May 4, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Main Office: 219 East 42d Street, New York 17, N.Y.; Local Office: 275 East Fourth Street, St. Paul 1, Minn. Applicant's representative: R. R. Tulloch, Superintendent, Railway Express Agency, Incorporated, 104 C Street, P.M. & O. Railway Building, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Estherville, Iowa, and Emmetsburg, Iowa from Estherville in a southerly direction over Iowa Highway 17 to junction Iowa Highway 345 (a distance of approximately twelve (12) miles), thence east over Iowa Highway 345 (approximately one (1) mile) to Graettinger, Iowa, thence return over said Iowa Highway 345 to junction Iowa Highway 17, thence south over Iowa Highway 17 to Emmetsburg, and return over the same route, serving the intermediate points of Wallingford and Graettinger, Iowa. RESTRICTIONS: (1) The service to be performed by said applicant shall be limited to that which is auxiliary to or supplemental of Railway Express or air service; and (2) shipments to be transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 109637 (Sub No. 125), filed May 8, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from Paulsboro, N.J., to Louisville, Ky. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant is under common control with Alabama Tank Lines, Inc., Docket No. MC 116387. Dual authority under section 210 may be involved.

No. MC 113779 (Sub No. 95), filed May 4, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethanolamines and glycols*, in bulk, in tank vehicles, from Orange, Tex., to points in Florida and Indiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan,

Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

No. MC 113865 (Sub No. 6), filed May 1, 1959. Applicant: ROBERT H. LEESER AND SYLBER RAY STAUFFER, a partnership, doing business as LEESER & STAUFFER TRUCK SERVICE, Taylor, Mo. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint, insecticides, and premiums and advertising matter* relating to such products, from the plant site of Moorman Manufacturing Company, Quincy, Ill., to points in Kansas. Applicant is authorized to conduct operations throughout the United States, except Alaska.

No. MC 114897 (Sub No. 17), filed May 7, 1959. Applicant: WHITFIELD TANK LINES, INC., 240 West Amador Street, Las Cruces, N. Mex. Applicant's representative: J. P. Rose, Whitfield Tank Lines, Inc., P.O. Box 5345, El Paso, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum wax*, in bulk, in insulated steel tank vehicles, from the plant site of Standard Oil Co. of California at Richmond, Calif., to Albuquerque and Roswell, N. Mex., and El Paso, Lubbock, Odessa, and Midland, Tex., and *rejected or contaminated shipments* of the above-specified commodities on return. Applicant states the proposed service is restricted to delivery to consignees not located on rail sidings and those which cannot accept carload shipments. Applicant is authorized to conduct operations in Arizona, Colorado, Nevada, New Mexico, Texas, and Utah.

No. MC 115162 (Sub No. 48), filed May 6, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated siding*, from South Kearny, N.J., to points in Escambia County, Fla. Applicant is authorized to conduct operations throughout the United States.

No. MC 115179 (Sub No. 7), filed May 8, 1959. Applicant: GLACKEN TRANSPORTATION, INC., 625 East Pershing Road, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin plasticizer* (not of petroleum base), in bulk, in tank vehicles, from Decatur, Ill., to Institute, W. Va., and Tusculumbia, Ala., and *damaged or rejected shipments*, on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Ken-

tucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 116987 (Sub No. 8), filed May 6, 1959. Applicant: ROBERT H. CARR AND SONS, INC., R.D. No. 2, Malvern, Pa. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, N.W., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, in bulk, in tank vehicles from Philadelphia, Pa., to points in Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia.

No. MC 118562 (Sub No. 2), filed April 22, 1959. Applicant: JOSEPH E. MILLS, P.O. Box 125, Broadway, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and sand*, in dump trucks, from quarries located approximately one mile from Harrisonburg, Va., on U.S. Highway 33 to points in Pendleton County, W. Va.

No. MC 118564 (Sub No. 2), filed April 22, 1959. Applicant: SOLOMON E. PUFFENBERGER, Route No. 2, Bridgewater, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and sand*, in dump trucks, from quarries located approximately one mile from Harrisonburg, Va., on U.S. Highway 33 to points in Pendleton County, W. Va.

No. MC 118565 (Sub No. 2), filed April 22, 1959. Applicant: LEE F. NESSELRODT, Linville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and sand*, in dump trucks, from quarries located approximately one mile from Harrisonburg, Va., on U.S. Highway 33 to points in Pendleton County, W. Va.

No. MC 118566 (Sub No. 2), filed April 22, 1959. Applicant: O. GENE NESSELRODT, Broadway, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone and sand*, in dump trucks, from quarries located in Harrisonburg, Va., and points within one (1) mile thereof, to points in Pendleton County, W. Va.

No. MC 118916, filed May 4, 1959. Applicant: LEONARD POWELL, 520 South Ella, Sandpoint, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Bread, milk and ice cream*, from Sandpoint, Idaho, over U.S. Highway 2 to Libby, Mont., and *empty bread cartons*, and *empty milk and ice cream cases* on return over the same route, serving the intermediate points of Moyie Springs, Idaho, and Troy, Mont.

NOTE: Applicant indicates the milk and ice cream is purchased by him and hauled to Montana for resale.

No. MC 118918, filed May 4, 1959. Applicant: SYDNEY BURNS MACLEAN, Acadia Avenue, Westville, Nova Scotia, Canada. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and fresh fruit, fresh berries, and fresh vegetables*, from Boston, Mass., to ports of entry on the International Boundary line between the United States and Canada at or near Calais and Bar Harbor, Maine, destined to points in Canada, and *exempt commodities* on return.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub No. 35), filed May 4, 1959. Applicant: AMERICAN BUS LINES, INC., 1341 P Street, Lincoln 8, Nebr. Applicant's attorney: Curry and Dolan, Southern Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between junction of old U.S. Highway 80 (now unnumbered highway) and new U.S. Highway 80, approximately 3 miles west of Buckeye, Ariz. ("Buckeye Junction"), and junction old U.S. Highway 80 (now an unnumbered highway) and new U.S. Highway 80, approximately one mile east of Gila Bend, Ariz. ("Gila Bend Junction"), over new U.S. Highway 80, serving all intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Maryland, the District of Columbia, Ohio, Michigan, Colorado, Oklahoma, Texas, Utah, Iowa, Montana, South Dakota, Wyoming, New Mexico, Arizona, Nevada, and California.

NOTE: Applicant states that if the above authority is granted, it proposes, and requests authority, to abandon its route over old U.S. Highway 80 (now an unnumbered highway) between Buckeye Junction and Gila Bend Junction.

No. MC 3647 (Sub No. 264), filed April 27, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in Burlington, Camden, Cumberland, Gloucester, and Salem Counties, N.J., and extending to points in West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, and Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 59155 (Sub No. 24), filed May 11, 1959. Applicant: REYNOLDS TRANSPORTATION COMPANY, a West Virginia corporation, 30 North Kanawha Street, Buckhannon, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*

in the same vehicle with passengers, between Clarksburg, W. Va., and Philippi, W. Va., from Clarksburg over U.S. Highway 50 to the junction of West Virginia Highway 77, thence over West Virginia Highway 77 to the junction of U.S. Highway 250, thence over U.S. Highway 250 to Philippi, and return over the same route, serving all intermediate points, including Flemington. Applicant is authorized to conduct operations in Maryland, Virginia, and West Virginia.

#### APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F 7114, VAN STONE—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC., published in the March 4, 1959, issue of the FEDERAL REGISTER on page 1624. Second application filed May 13, 1959, for temporary authority under section 210a(b).

No. MC-F 7115, C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC., published in the March 4, 1959, issue of the FEDERAL REGISTER on page 1624. Second application filed May 13, 1959, for temporary authority under section 210a(b).

No. MC-F 7191. Authority sought for purchase by H. W. MILLER TRUCKING COMPANY, Hillsboro Road, Durham, N.C., of the operating rights and property of COY FLIPPIN, doing business as COY FLIPPIN TRANSFER, Box 65, Pilot Mountain, N.C., and for acquisition by C. S. BURTON, JR., also of Durham, of control of such rights and property through the purchase. Applicants' attorney: James E. Wilson, 716 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Elkin, N.C., and Winston-Salem, N.C., serving no intermediate points; *plaster materials*, between Mount Airy, N.C., and Saltville, Va., serving no intermediate points; *tobacco*, from Rockymount, Va., to Winston-Salem, N.C., serving the intermediate point of Martinsville, Va., restricted to pick-up only; *hogsheads*, and other articles and supplies used in the shipping, handling and packing of leaf tobacco, from Winston-Salem, N.C., to Rockymount, Va., serving the intermediate point of Martinsville, Va., restricted to delivery only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, from Plasterco, Va., to Elkin, N.C.; *ground agricultural limestone*, *wire*, *wire fencing*, *steel sheets*, *baling ties*, *seed*, *plaster*, *lime*, *building materials*, *coal*, *crushed and carved stone*, *curbing*, *crushed, cut,*

*rough, and carved granite*, *grain*, *animal feeds*, *poultry feed*, *lumber*, *tobacco*, in sheets or baskets, *fertilizer*, *agricultural limestone*, *agricultural commodities*, *acid*, *paint*, *lacquer*, *varnish*, *denatured alcohol*, *materials* used in increasing, reducing, removing or thinning paint, lacquer, and varnish, *electric refrigerators*, *bicycles*, *petroleum products* in containers, *toys*, *rugs*, *small arms ammunition*, *apple butter*, *vinegar*, *barrels*, *canned goods*, *air conditioning supplies*, *equipment* and *tools*, and *upholstering*, from, to or between points and areas, varying with the commodity transported, in Virginia, North Carolina, Maryland, Pennsylvania, Delaware, the District of Columbia, Ohio, Indiana, Illinois, West Virginia, South Carolina, Tennessee, Georgia, Alabama, New York, Connecticut, Massachusetts, Rhode Island, Mississippi, and Michigan. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, South Carolina, and Georgia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7192. Authority sought for control by THE ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven 10, Conn., of McFADDIN EXPRESS, INCORPORATED, Magee Avenue, Stamford, Conn., and for acquisition by M. L. ADLEY, DANIEL J. ADLEY and RALPH J. ADLEY, all of New Haven, of control of McFADDIN EXPRESS, INCORPORATED, through the acquisition by THE ADLEY EXPRESS COMPANY. Applicant's representatives: Richard H. Simons, Executive Vice President and General Counsel, The Adley Express Company, 216 Crown Street, New Haven, Conn., Jack R. Turney, Jr., Attorney, 2001 Massachusetts Avenue NW., Washington, D.C., and S. Harrison Kahn, Attorney, 1110 Investment Building, Washington 5, D.C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Norwalk, Conn., and New York, N.Y., serving all intermediate and certain off-route points; *motors and vegetable oil*, between Stamford, Conn., and Boston, Mass., serving the intermediate and off-route points of Worcester, Framingham, Canton, and North Easton, Mass., for vegetable oil traffic only; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in Connecticut, and between New York, N.Y., on the one hand, and, on the other, certain points in New Jersey; *new pianos*, *heavy machinery and equipment*, and *steel*, between points in Connecticut, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island; *electrical equipment*, *telephone materials and patterns*, and *empty steel drums*, between Stamford, Conn., on the one hand, and, on the other, certain points in New Jersey. In No. MC-F 6243, McFADDIN EXPRESS, INC.—PURCHASE (PORTION)—BAY STATE MOTOR EXPRESS CO., SIDNEY J. KAGAN, RECEIVER, published in the April 18, 1956, issue of the FEDERAL

REGISTER on page 2553, temporary authority was granted on April 25, 1956. THE ADLEY EXPRESS COMPANY is authorized to operate as a *common carrier* in Massachusetts, Connecticut, New York, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Georgia, West Virginia, North Carolina, Florida, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7193. Authority sought for control by SAMUEL BONCARO, Box 489, Geneva, N.Y., of PURDIE EXPRESS LINES, INC., Stanley, N.Y. Applicant's attorney: Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be controlled: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act covering the transportation, as a *common carrier* in the State of New York, of *general commodities*, over regular routes, between specified points, and *common salt and medicated livestock salt*, over irregular routes, between specified points. These operating rights are more specifically described in Docket No. MC 120157. SAMUEL BONCARO holds no authority from this Commission. However, he controls HOWARD'S EXPRESS, INC., East North Street, Geneva, N.Y., which is authorized to operate as a *common carrier* in New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7194. Authority sought for control by LEASE PLAN INTERNATIONAL CORP., 7 Central Park West, New York 23, N.Y., of FOOD TRANSPORT, INC., MARKET HAULAGE, INC., and RELAY TRANSPORT, INC., all of 7 Central Park West, New York 23, N.Y., and for acquisition by H. M. O'NEILL, W. J. O'NEILL and F. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland 20, Ohio, of control of FOOD TRANSPORT, INC., MARKET HAULAGE, INC., and RELAY TRANSPORT, INC., through the acquisition by LEASE PLAN INTERNATIONAL CORP. Applicant's attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be controlled: (FOOD TRANSPORT, INC.) *Such commodities* as are sold by retail and chain grocery and food business houses and stores, and *supplies, equipment, advertising materials, and related items* used in the conduct of such business, except, in any instance, commodities in bulk, in tank vehicles, as a *contract carrier* over irregular routes from New York, N.Y., to certain points in New Jersey, Connecticut and New York limited to a transportation service to be performed under a continuing contract, or contracts, with Gristede Bros., Inc.; (MARKET HAULAGE, INC.) *such commodities* as are sold by retail and chain grocery and food business houses and stores, and *supplies, equipment, and advertising material, and related items* used in the conduct of such businesses, as a *contract carrier* over irregular routes, from Mt. Kisco, N.Y., to points in Fairfield, Hartford, and New Haven Counties, Conn., and from Mt. Kisco, N.Y., to Westerlo, R.I.; the opera-

tions authorized are limited to a transportation service to be performed under a continuing contract, or contracts, with The Grand Union Company; (RELAY TRANSPORT, INC.) *flavoring syrup, liquid and invert sugar*, all commodities moving in bulk, in tank vehicles, as a contract carrier, over irregular routes, from Long Island City, N.Y., to Alexandria, Va.; *flavoring syrup*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, New Brunswick, Teterboro, and Asbury Park, N.J., and Philadelphia, Pa.; *liquid sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newark, N.J.; *invert sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Newburgh, N.Y., Hamden and Fairfield, Conn., and Elizabeth and Bridgeton, N.J. LEASE PLAN INTERNATIONAL CORP. holds no authority from this Commission; however, its controlling stockholders are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT (N.Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., MARKET HAULAGE, INC., GREEN BAG TRANSPORT, INC., and POOL TRUCK, INC., which are authorized to operate as *contract carriers* in New York, Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, Ohio, Indiana, Kentucky, Illinois, Michigan, New Jersey, Tennessee, New Jersey, North Carolina, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, South Carolina, Vermont, Wisconsin, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion has been filed simultaneously with the above application, by reason of lack of jurisdiction.

No. MC-F 7195. Authority sought for control and merger by GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho, of the operating rights and property of NORTHWEST FREIGHT LINES, INC., and FLATHEAD TRANSPORTATION COMPANY, both of 4300 State Avenue, Billings, Mont., and for acquisition by C. A. GARRET, also of Pocatello, of control of such rights and property through the transaction. Applicants' attorneys: Maurice H. Greene, 300 North Sixth Street, Boise, Idaho, and Jerome Anderson, Electric Building, Billings, Mont. Operating rights sought to be controlled and merged: (NORTHWEST FREIGHT LINES, INC.) *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Billings, Mont., and St. Paul, Minn., between Helena, Mont., and Garrison, Mont., and between Missoula, Mont., and Spokane, Wash., serving certain intermediate and off-route points; *seed*, from Minneapolis and St. Paul, Minn. to Faribault and Winona, Minn., serving no intermediate

points; *dried beans*, from Billings, Mont., to Duluth, Minn., and from St. Paul, Minn., to Duluth, Minn., serving no intermediate points; *automobile parts and accessories*, from Fort Wayne, Ind., to St. Paul, Minn., serving no intermediate points; *general commodities*, except livestock, and except dangerous explosives, and petroleum products in bulk, between Butte, Mont., and Billings, Mont., serving all intermediate points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, between Butte, Mont., and Missoula, Mont., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Helena, Mont., and junction Montana Highways 10N and 10S, just west of Three Forks, Mont., and between Fargo, N. Dak., and Moorhead, Minn., serving certain intermediate and off-route points; *household goods* as defined by the Commission, over irregular routes, between points in Montana, North Dakota, and Minnesota; service is authorized to and from points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, and Scotchline, Minn., in lieu of Minneapolis and St. Paul, whichever is presently authorized to be served by said carrier over irregular routes, restricted to the transportation of such commodities as said carrier is presently authorized to transport to or from Minneapolis or St. Paul, over irregular routes; (FLATHEAD TRANSPORTATION COMPANY) *general commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Missoula, Mont., and Kalispell, Mont., serving all intermediate points and the off-route point of Charlo, Mont. GARRETT FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Idaho, Montana, California, Utah, Nevada, Oregon, Colorado, New Mexico, Washington, Arizona, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 59-4244; Filed, May 19, 1959;  
8:50 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-104, 54-222]

### MERRIMACK-ESSEX ELECTRIC CO. ET AL.

#### Order Directing Elimination of Certain Minority Interests and Order Ap- proving Plan

MAY 14, 1959.

In the matters of Merrimack-Essex Electric Company, Southern Berkshire Power & Electric Company, Suburban Electric Company, Weymouth Light and Power Company, Worcester County Elec-

tric Company, New England Electric System, File No. 59-104; New England Electric System, File No. 54-222.

The Commission having by Notice and Order dated August 1, 1958, instituted a proceeding under section 11(b) (2) of the Public Utility Holding Company Act of 1935 ("Act") with respect to New England Electric System ("NEES"), a registered holding company, and five of its subsidiary companies engaged solely in the electric business; namely, Merrimack-Essex Electric Company ("Merrimack"), Southern Berkshire Power & Electric Company ("Southern Berkshire"), Suburban Electric Company ("Suburban"), Weymouth Light and Power Company ("Weymouth"), and Worcester County Electric Company ("Worcester"), hereinafter collectively sometimes referred to as the "Minority Subsidiaries", and said Notice and Order having consolidated a proceeding with respect to a plan, as amended, filed by NEES, pursuant to section 11(e) of the Act for the purpose of eliminating the publicly held common stock interests in such subsidiary companies with the section 11(b) (2) proceeding;

NEES having further requested that if the Commission approves the section 11(e) plan, as amended, the Commission's order herein contain the findings and recitals necessary to meet the requirements of sections 1081 and 4382 of the 1954 Internal Revenue Code, as amended, and any other sections thereof providing exemptions or benefits with respect to transactions in obedience to or in compliance with orders of the Commission;

A public hearing having been duly held after appropriate notice with respect to said consolidated proceeding at which hearing all interested persons were afforded an opportunity to be heard; and

NEES having requested the Commission, pursuant to section 11(e) of the Act, to apply to an appropriate United States District Court to enforce and carry out the terms and provisions of said plan, as amended; and the Commission having considered the entire record and having this day filed its Findings and Opinion, on the basis of such Findings and Opinion;

It is ordered, That pursuant to section 11(b) (2) of the Act, NEES and each of the Minority Subsidiaries be, and they hereby are, directed to take appropriate action to effect the elimination of the public minority stock interest in each of the Minority Subsidiaries.

It is further ordered, Pursuant to section 11(e) of the Act, that the plan, as amended, filed by NEES be, and the same hereby is, approved, subject to the terms and conditions contained in Rule 24 promulgated under the Act and to the following additional terms and conditions:

(1) That this order shall not be operative to authorize any transaction proposed in the plan, as amended, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said plan, as amended;

(2) That only such fees and expenses in connection with said plan, as amended, and the proceedings incidental thereto shall be paid by NEES and the



Minority Subsidiaries as the Commission may approve on appropriate application made to it, jurisdiction hereby being specifically reserved to determine the reasonableness of all fees and expenses and all other remunerations incurred or to be incurred by NEES and the Minority Subsidiaries in connection with said plan, as amended, the transactions incidental thereto and all proceedings on or related thereto.

(3) That jurisdiction be, and the same hereby is, specifically reserved with respect to the entering of such further orders and the taking of such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11(b) of the Act and with respect to entertaining such further proceedings, entering such further orders, and the taking of such further action as the Commission may deem necessary or appropriate in connection with said plan, as amended, transactions a part of or incidental thereto, and the consummation thereof, to effectuate the requirements of section 11(b) of the Act.

*It is further ordered and recited,* That all steps and transactions involved in the consummation of the plan, as amended, including particularly the issuances, transfers, exchanges, expenditures, investments, distributions, and sales hereinafter described and recited in subparagraphs I and II set forth below, are necessary or appropriate to effect a simplification of the NEES holding company system and are necessary or appropriate to effectuate the provisions of section 11(b) of the Act and are hereby authorized, approved, and directed; the stock and securities and other property which are ordered to be issued, exchanged, acquired, transferred, received, and sold upon such transactions, and the investments which are to be made, being specified and itemized as follows:

I.A. NEES will issue and deliver 430,-480.5 common shares of NEES to Merrimack stockholders (other than NEES) at the rate of one and five-tenths (1.5) common shares of NEES for each share of common stock of Merrimack, and in exchange therefor such Merrimack stockholders will transfer and deliver to NEES their certificates for Merrimack common stock aggregating 286,987 shares.

B. NEES will issue and deliver 520.2 common shares of NEES to Southern Berkshire stockholders (other than NEES) at the rate of three and four-tenths (3.4) common shares of NEES for each share of common stock of Southern Berkshire, and in exchange therefor such Southern Berkshire stockholders will transfer and deliver to NEES their certificates for Southern Berkshire common stock aggregating 153 shares.

C. NEES will issue and deliver 12,089.0 common shares of NEES to Suburban stockholders (other than NEES) at the rate of five and five-tenths (5.5) common shares of NEES for each share of common stock of Suburban, and in exchange therefor such Suburban stockholders will transfer and deliver to NEES their certificates for Suburban common stock aggregating 2,198 shares.

D. NEES will issue and deliver 806.4 common shares of NEES to Weymouth stockholders (other than NEES) at the rate of two and eight-tenths (2.8) common shares of NEES for each share of common stock of Weymouth, and in exchange therefor such Weymouth stockholders will transfer and deliver to NEES their certificates for Weymouth common stock aggregating 288 shares.

E. NEES will issue and deliver 16,552.2 common shares of NEES to Worcester stockholders (other than NEES) at the rate of four and two-tenths (4.2) common shares of NEES for each share of common stock of Worcester, and in exchange therefor such Worcester stockholders will transfer and deliver to NEES their certificates for Worcester common stock aggregating 3,941 shares.

II. New scrip representing fractional interests in common shares of NEES will be issued, exchanged, and delivered in lieu of fractional common shares and, upon combination thereof, full common shares will be issued. If dividends paid on the respective common stocks of Merrimack, Southern Berkshire, Suburban, Weymouth and Worcester from January 1, 1958, to the effective date are in amounts less than 90 percent of the net increases in earned surpluses of the respective company before common dividends for such period, amounts in cash equal to such deficiencies will be added to the securities deliverable in the respective exchanges under the plan, as amended.

III. The foregoing transactions or any one or more of them may be effected, and deliveries and intermediate issues and transfers may be made, to, through or by exchange agents or others, and/or the stock and securities and other property may be delivered direct to those ultimately entitled thereto, all in any manner consistent with the Court order enforcing the plan, as amended, or in said Court order. The exchange agent will deliver to NEES any common shares or cash held by it at the expiration of the exchange period on account of unexchanged old certificates, all as provided in the plan, as amended.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-4232; Filed, May 19, 1959;  
8:48 a.m.]

[File No. 70-3790]

## COLUMBIA GAS SYSTEM, INC., ET AL.

### Notice of Filing Regarding Issuance and Sale of Unsecured Notes to Banks and Related Open Account Advances to Subsidiaries; Intra-system Issuance, Sale and Acquisition of Common Stocks and Long-Term Notes

MAY 13, 1959.

In the matter of The Columbia Gas System, Inc., United Fuel Gas Company, Amere Gas Utilities Company, Atlantic

Seaboard Corporation, Columbia Gas of Kentucky, Inc., Kentucky Gas Transmission Corporation, Virginia Gas Distribution Corporation, The Ohio Fuel Gas Company, The Ohio Valley Gas Company, The Preston Oil Company, The Manufacturers Light and Heat Company, Cumberland and Alleghany Gas Company, Home Gas Company, Columbia Gas of New York, Inc.; File No. 70-3790.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiaries United Fuel Gas Company ("United Fuel"), Amere Gas Utilities Company ("Amere"), Atlantic Seaboard Corporation ("Seaboard"), Columbia Gas of Kentucky, Inc. ("Columbia of Kentucky"), Kentucky Gas Transmission Corporation ("Kentucky Gas"), Virginia Gas Distribution Corporation ("Distribution"), The Ohio Fuel Gas Company ("Ohio"), The Ohio Valley Gas Company ("Ohio Valley"), The Preston Oil Company ("Preston"), The Manufacturers Light and Heat Company ("Manufacturers"), Cumberland and Alleghany Gas Company ("Cumberland"), Home Gas Company ("Home"), and Columbia Gas of New York, Inc. ("Columbia of New York"), have filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 7, 9, 10, 12(b), and 12(f) thereof and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The subsidiary companies of Columbia plan to finance a part of their construction budgets for 1959, estimated at \$123,-000,000, with funds available from internal sources. To provide a portion of the new money requirements needed for such purpose, estimated at \$74,548,970, Columbia proposes to use its present cash resources, including the proceeds from a recent sale of common stock. Later in 1959 Columbia plans to issue and sell senior debentures to finance the balance of the construction budgets, to pay short-term notes incurred to finance the construction and acquisition of plant facilities by the subsidiary companies, and for other corporate purposes.

To provide funds to six of the subsidiaries, to enable them to purchase inventory gas for storage, Columbia proposes to borrow from a group of commercial banks, for whom Guaranty Trust Company of New York will act as clearing agent, an aggregate amount not to exceed \$55,000,000. The borrowings are to be made in installments during July, August and September 1959, and are to be repaid in February, March and April 1960. They are to be evidenced by unsecured notes, to be dated when issued, bearing interest at the rate of 4 percent per annum, the prime rate for commercial loans at the time the agreements were negotiated. The notes may be prepaid in whole or in part in the order of maturity without penalty except prepayments cannot be made with funds borrowed from banks at a lower interest rate.



The names of the banks and the maximum participation of each bank are indicated below:

Guaranty Trust Company of New York	\$18,031,000
Chemical Corn Exchange Bank, New York City	5,820,000
Mellon National Bank and Trust Company, Pittsburgh, Pa.	5,820,000
The First National City Bank of New York	4,740,000
Bankers Trust Company, New York City	3,300,000
Irving Trust Company, New York City	3,000,000
The Hanover Bank, New York City	3,000,000
J. P. Morgan & Co., Inc., New York City	1,950,000
Manufacturers Trust Co., New York City	1,950,000
Brown Brothers, Harriman & Company, New York City	1,005,000
The New York Trust Co.	1,005,000
Fidelity Trust Co., Pittsburgh, Pa.	1,005,000
Peoples First National Bank and Trust Co., Pittsburgh, Pa.	1,005,000
The Cleveland Trust Co.	1,005,000
The Union National Bank, Pittsburgh, Pa.	630,000
The Ohio National Bank of Columbus	501,000
The Charleston National Bank	501,000
The Kanawha Valley Bank, Charleston, W. Va.	399,000
The First Huntington National Bank, Huntington, W. Va.	231,000

First City National Bank of Binghamton, Binghamton, N.Y.	\$102,000
	55,000,000

The proceeds from the sale of the notes are to be advanced on open account to the subsidiaries having storage facilities from time to time as needed during 1959, at an interest rate of 4 percent per annum, and in amounts not to exceed those indicated below:

United Fuel	\$15,000,000
Ohio	29,000,000
Manufacturers	8,000,000
Home	1,800,000
Seaboard	1,100,000
Kentucky Gas	100,000
	55,000,000

The above advances, and, in turn, the related bank notes of Columbia, are to be repaid from revenues collected by the subsidiaries as the storage gas is withdrawn and sold during the coming winter heating season.

As the means of obtaining the new money needed for construction during 1959, the following subsidiaries propose to issue and sell common stock and Installment Promissory Notes to Columbia not in excess of the amounts indicated below:

Company	Common stock			Installment notes, aggregate amount
	Number of shares	Par value	Aggregate amount	
Manufacturers	26,000	\$50	\$1,300,000	Thousand \$13,800
United Fuel	320,000	25	8,000,000	13,600
Ohio	44,506	45	2,002,770	14,000
Ohio Valley	7,500	90	675,000	700
Amere				350
Seaboard	216,000	25	5,400,000	7,900
Distribution	8,000	25	200,000	400
Kentucky Gas				300
Columbia of Kentucky	16,000	25	400,000	1,200
Cumberland				1,125
Home				325
Columbia of New York	7,848	25	196,200	575
Preston	16,000	100	1,600,000	500
Total			19,773,970	54,775

The above securities are to be issued and sold periodically when funds are needed but not later than March 31, 1960.

The Installment Notes will be unsecured. They will be dated when issued, and the principal amounts will be due in 25 equal annual installments on February 15 of the years 1961 to 1985 inclusive. Interest will be payable semi-annually at the rate of 4.8 percent per annum, which represents the approximate cost of money to Columbia on its last sale of Senior Debentures on November 6, 1958.

Approval of the issuance and sale of the securities must be obtained by ten of the subsidiary companies from the regulatory commissions of the States in which they are organized and doing business, as follows:

*Company and State Commission*

Manufacturers, Pennsylvania Public Utility Commission.

United Fuel,<sup>1</sup> Public Service Commission of West Virginia.

Amere, Public Service Commission of West Virginia.

Cumberland, Public Service Commission of West Virginia.

Ohio, Public Utilities Commission of Ohio.

Ohio Valley, Public Utilities Commission of Ohio.

Distribution, State Corporation Commission of Virginia.

Columbia of Kentucky, Kentucky Public Service Commission.

Home, Public Service Commission of New York.

Columbia of New York, Public Service Commission of New York.

It is stated that copies of the applicable State Commission orders will be filed by amendment.

The estimated fees and expenses incurred by Columbia in connection with the bank loans aggregate \$400. The aggregate fees and expenses to be paid by

<sup>1</sup>United Fuel is also required to obtain approval of the Public Service Commission of West Virginia of the advances to it on open account.

the several subsidiaries in connection with their proposed transactions are estimated at \$25,479 including Federal original issue taxes of \$21,779, charges of system service company \$1,400 (\$100 for each company), and miscellaneous expenses of \$2,300 (including legal fees of \$200 and \$400 to be paid by Manufacturers and Distribution, respectively).

Notice is further given that any interested person may, not later than May 28, 1958 at 5:30 p.m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application-declaration as amended, or as it may be further amended, may be granted and permitted to become effective, in whole or in part, as provided in Rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-4233; Filed, May 19, 1959; 8:48 a.m.]

## DEPARTMENT OF JUSTICE

Office of Alien Property

RAISSA RALLY ISAACSOHN

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., Property, and Location

Mrs. Raissa Rally Isaacsohn, London, England; Claim No. 62030; \$859.69 in the Treasury of the United States. \$1,500 Federal Republic of Germany, Conversion and Funding Issue 1953, Ten-Year 3% Dollar Bonds, Bond Nos. M008125 and D001354, which bonds are held in the Federal Reserve Bank, New York, for safekeeping. Vesting Order No. 18007.

Executed at Washington, D.C., on May 12, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-4246; Filed, May 19, 1959; 8:50 a.m.]

**IDA MEYER****Notice of Intention To Return Vested Property**

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Ida Meyer, Hamburg, Germany; Claim No. 59176; \$34,819.20 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Ida Meyer in and to arising out of or under that certain trust agreement dated April 21, 1936, by and between Ida Meyer, trustor, and Wells Fargo Bank & Union Trust Company, trustee, presently being administered by Wells Fargo Bank & Union Trust Company, trustee, Market at Montgomery, San Francisco 20, California. Vesting Order No. 13244.

Executed at Washington, D.C., on May 12, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-4247; Filed, May 19, 1959; 8:50 a.m.]

**FEIGA ZIPORA BEREZINA****Notice of Intention To Return Vested Property**

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Feiga Zipora Berezina, Ramat Zvi, Israel; Rassa Cahn, Tel-Aviv, Israel; Claim No. 62340. To the claimants as their interests may appear: \$8,702.59 in the Treasury of the United States. Vesting Order No. 18487.

Executed at Washington, D.C., on May 13, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-4248; Filed, May 19, 1959; 8:50 a.m.]

**DAVID HIROMU IMAHARA****Notice of Intention To Return Vested Property**

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

David Hiromu Imahara, Kojin Machi, 15 Banchi, Hiroshima Shi, Hiroshima Ken, Japan; Claim No. 57743; \$5,141.36 in the Treasury of the United States.

Executed at Washington, D.C., on May 13, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-4249; Filed, May 19, 1959; 8:50 a.m.]

**ELISABETH AMALIE RAHEL ET AL.****Notice of Intention To Return Vested Property**

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Elisabeth Amalie Rahel, Liebeschuetz and Hubert Curt Plaut, executors u/w Adele Caroline Plaut, deceased, Liverpool, England; Claim Nos. 63721 and 63722; \$487.97 in the Treasury of the United States and Coupons numbered 6 (due 1/1/40), 7 (due 7/1/40), and 8 (due 1/1/41), detached from three Konversionskasse Für Deutsche Auslands-Schulden New Issue Dollar 3% bonds, numbered C-21146, C-21147, and C-21148, which nine coupons are in the custody of the Office of Alien Property, Washington 25, D.C. Vesting Order Nos. 14162 and 15266.

Executed at Washington, D.C., on May 13, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-4250; Filed, May 19, 1959; 8:50 a.m.]

**MARIA WEINBERGER ET AL.****Amended Notice of Intention To Return Vested Property**

Whereas, a Notice of Intention to Return Vested Property was published in the FEDERAL REGISTER on July 27, 1957 (22 F.R. 5972) with respect to the return of certain securities and scrip described therein to Maria Weinberger, Hans Weinberger and Margarethe Markl, Claim Nos. 62480, 62481 and 62482, of an undivided two-fifths, one-fifth and two-fifths, respectively;

Whereas, information was subsequently received to the effect that Hans Weinberger died on April 15, 1957 in Sulzau-Werfen, Austria, and that he left

as his sole heirs, his widow, Evelyn Weinberger, and his five children, namely, Hans and Evelyn Weinberger (minors), Maria Bernd, Elisabeth Tanzer and Eva Perl;

Whereas, Evelyn Weinberger, individually and on behalf of her minor children, Hans and Evelyn; Maria Bernd, Elisabeth Tanzer and Eva Perl have been substituted as claimants in this matter in lieu of Hans Weinberger;

Whereas, the \$46,800.00 principal amount of United Steel Works Corporation Participation Certificates, referred to under "Property and Location" in the aforesaid Notice of Intention, has been reduced to \$45,864.00 and cash in the amount of \$14,625.49, representing interest on the Certificates and principal distribution, has been added to the account;

Now, therefore, pursuant to section 32 of the Trading With the Enemy Act, as amended, the said Notice of Intention to Return Vested Property is hereby amended by deleting under the heading "Claimant" the name and address of Hans Weinberger, and deleting under the heading "Property and Location" \$46,800.00 principal amount of United Steel Works Corporation Participation Certificates, described therein, and substituting in lieu thereof the following:

*Claimant, Claim No., Property and Location*

Maria Weinberger, Vienna XIII, Austria, Claim No. 62480; Evelyn Weinberger, individually and as guardian of Hans Weinberger and Evelyn Weinberger, Salzburg, Austria; Maria Bernd, Elisabeth Tanzer and Eva Perl, Vienna XIII, Austria, Claim No. 62481; Cash in the Treasury of the United States as follows: \$5,850.19 to each Maria Weinberger and Margarethe Markl. \$731.27 to Evelyn Weinberger, individually. \$731.28 to Evelyn Weinberger as guardian of Hans Weinberger. \$365.64 to each Maria Bernd; Elisabeth Tanzer; Eva Perl and to Evelyn Weinberger as guardian of Evelyn Weinberger.

Margarethe Markl, Vienna XIII, Austria; Claim No. 62482; \$45,864.00 principal amount of United Steel Works Corporation Participation Certificates, 4% percent, 1968, dated January 1, 1953, evidenced by Certificate Nos. C4618/20 at \$100.00 each, D980 at \$500.00 and M15761/15806 at \$1,000.00 each; and \$99.99 principal amount of Scrip for Participation Certificates of United Steel Works Corporation, Scrip No. 002368, dated January 1, 1953, presently in the custody of the Federal Reserve Bank of New York for safekeeping in the following fractional undivided interests: Sixteen-Fortieths (16/40) to each Maria Weinberger and Margarethe Markl. Two-Fortieths (2/40) to each Evelyn Weinberger, individually and as guardian of Hans Weinberger. One-Fortieth (1/40) to each Maria Bernd; Elisabeth Tanzer; Eva Perl and to Evelyn Weinberger as guardian of Evelyn Weinberger.

All other provisions of said Notice of Intention To Return Vested Property, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on May 12, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F.R. Doc. 59-4251; Filed, May 19, 1959; 8:50 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MAY

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